THE Bench

The old Halifax County Court House on Spring Garden Road in Halifax, Circa 1870.
Courtesy of the Public Archives of Nova Scotia.

THE Bench

The history of Nova Scotia's provincial courts.

JUDGE R.E. KIMBALL

Judge R.E. Kimball

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Preface

The Provincial Court of Nova Scotia began on April 14, 1938. This history is written to mark the occasion of its fiftieth anniversary. The legislation which gave birth to the Court consisted of seventeen sections added to the *Stipendiary Magistrates Act*. Those sections were preceded by the heading "Police Magistrates" the name by which its first judges were designated. In 1945 that name was changed to "Provincial Magistrate"; in 1966 it was changed again to "Judge of the Provincial Magistrates Court" and in 1976 it was changed to "Judge of the Provincial Court".

This book is dedicated to those Police Magistrates and Provincial Magistrates who, during those early years worked long hours to bring justice and fairness to the many thousands of individuals who appeared in court before them. They performed their judicial labors under adverse circumstances and in less than adequate working conditions. They were often required to hold court in bingo halls, church halls and in police stations. These locations were inappropriate to the responsibilities required of them and offensive to the principles of judicial independence and impartiality. They acted not only as judge but as court reporter and sheriff. In addition they performed all the functions of court clerk: *inter alia*, they opened and closed court, swore witnesses, marked exhibits, issued summonses and warrants, collected fines in the courtroom at the conclusion of trials and made change when required. They were responsible for all monies collected. They made bank deposits, reconciled bank statements and prepared and forwarded monthly and quarterly financial reports to the Attorney-General.

These procedures detracted from their judicial function and did not enhance the image of magistrates or magistrates court in the eyes of the public, the accused and the Bar of Nova Scotia. In addition the magistrates were not adequately paid and they were overworked. As early as 1965 it was established that magistrates dealt with ninety-five percent of all criminal matters. They did not receive proper recognition for their labors and often were the butt of jokes and sarcasm. For example, in 1951, the Attorney-General of Nova Scotia told the following story in the Nova Scotia legislature.

I can recall an article that appeared in the Sydney Post-Record, then the Sydney Daily Post. It was written by H.P. Duchemin, and in referring to magistrates he said: "The only difference between those who are appointed by the Liberals and those appointed by the Conservatives was that the Liberals appointed crooks and the Conservatives appointed imbeciles.

There were other differences which affected the status and image of magistrates in Nova Scotia. Magistrates were never formally established by legislation as a provincial court in the same manner as other courts in the province were established. As a result the magistrates were not part of a court of record and they therefore lacked the immunity which accrued to judges who were so designated. This meant that individually they could be held to be liable for any excess of their jurisdiction even though that excess may have occurred without malice. Further, the statutory qualifications for appointment as a police magistrate or provincial magistrate was three and five years as a member of the Bar of Nova Scotia respectively. This was not the case for judges of other courts in the province for which ten years was the statutory requirement. In addition, the members of the Bar of Nova Scotia were not required to wear barristers robes when appearing in Magistrates Court as they were when they appeared in the Supreme and County Courts of the province. This difference conferred a status on the Supreme and County courts and denied that status to the Magistrates. They were also, by legislation, effectively denied the use of courtrooms throughout the province. Courtrooms were reserved first for other courts and thereafter for any other purpose for which they were maintained before they could be used by magistrates for their judicial duties.

In spite of the difficulties and hardships under which the magistrates labored, they performed their work efficiently and well. Their jurisdiction and responsibility increased steadily to the point where Magistrates Court has been called the bulwark of the criminal trial system. It has a jurisdiction that is broader and wider than that given to any other lower court exercising criminal jurisdiction in the world.

This book is written in recognition of the labors of the many Magistrates who helped to give the Provincial Court the judicial recognition and status it now enjoys, and who, through their efforts have set the foundation for its future.

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In addition, important information which helped me locate photographs of early judicial appointments to the Provincial Court, was provided by Senator R.A. Donahoe of Halifax; Chief Judge C.A. Kosowan of the Provincial Court of Alberta; Judge John F. MacDonald and Mina MacDonald of Sydney; Judge M. Leo MacIntyre of Sydney; Judge Robert J. McCleave of Halifax and Elliott Russell of Scarborough, Ontario. Thanks are also due to Judge John R. Nichols of Digby for his helpful suggestions and assistance.

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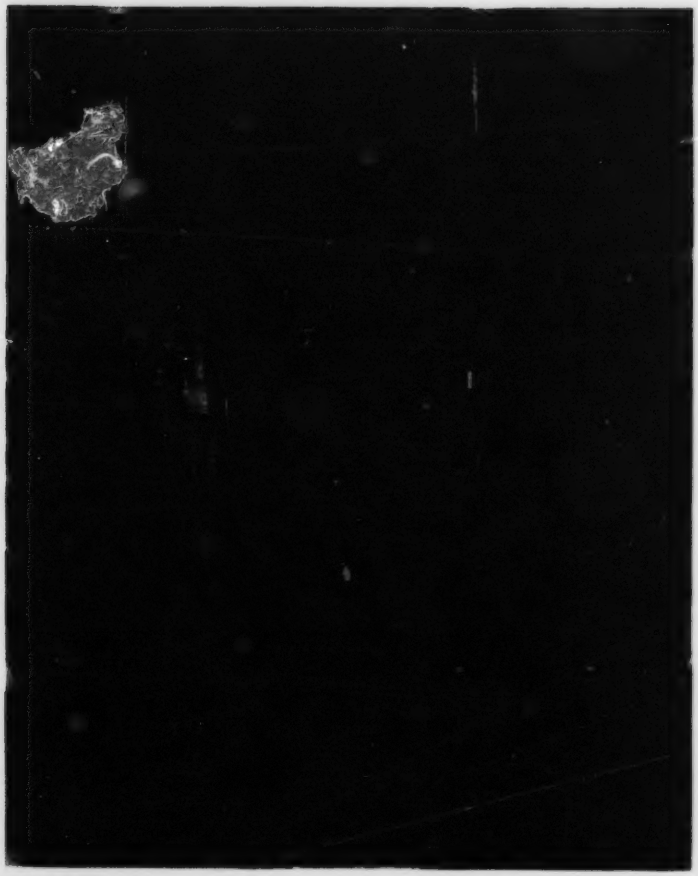

Detail from the facade of the Provincial Court House on Spring Garden Road in Halifax.

The Development of the Provincial Court of Nova Scotia 1938-1987

Roy Edward Kimball B.A., LL.B., LL.M.

The Statutory Environment Before 1938

Prior to 1938 and the *Stipendiary Magistrate's Act* which created the office of police magistrate, the work of the Provincial Court was performed by justices of the peace and stipendiary magistrates. While their mandate was similar in nature, the jurisdiction of the stipendiary magistrate was greater than that of the justice of the peace. They were one step up in the hierarchy of the courts.

The stipendiary magistrates exercised all the powers possessed by one or two justices of the peace in both civil and summary matters. They also presided over the municipal courts of the towns established under *The Town's Incorporation Act*. When not otherwise provided, they heard all actions and prosecutions for the breach of that Act or any Act of the Legislature or any by-law or ordinance of the town. However they were not to act as justices of the peace in civil matters.

Justices of the peace were appointed by the Governor-in-Council for the various counties of the province. They possessed similar powers at Confederation: in civil matters a single justice of the peace could try an action for debt when the amount in issue did not exceed twenty dollars. Two justices could try an action for debt when the amount involved did not exceed eighty dollars. In addition, a justice of the peace was empowered to enforce various provincial statutes on summary conviction, pursuant to the *Nova Scotia Summary Convictions Act*.

Stipendiary magistrates were appointed by the Governor-in-Council for every incorporated town and held office during good behaviour (the magistrate could not be removed from office by the government while exhibiting good behaviour). They were paid by annual salary from town revenues or from the fees of the office or both. Their jurisdiction included not only the town

for which they were appointed but extended throughout the whole county. Their jurisdiction also included enforcing the provisions of *The Nova Scotia Summary Proceedings Act*.

They were also to perform all the required duties of *The Criminal Code of 1892*, *The Canada Temperance Act* (and its amendments), and all other Statutes of Canada which were in force from time to time in Nova Scotia. Every stipendiary magistrate was ex-officio justice of the peace for the whole municipality in which he* resided.

There was no statutory provision or requirement that justices of the peace or stipendiary magistrates be legally trained. Under the *Town's Incorporation Act* the town solicitor was eligible for the appointment of stipendiary magistrate but so was the town clerk, who presumably need not have been legally qualified.

Conditions Prior to 1938

Summary conviction matters were dealt with by stipendiary magistrates or justices of the peace. Some of the stipendiary magistrates were lawyers who either worked for a salary paid by the town that hired them or for the costs which they were entitled to receive for conducting the trial, pursuant to *The Costs and Fees Act*. However, the stipendiary magistrates and justices of the peace were usually not legally trained and for the most part were paid for their services from the costs which they imposed.

> *The Magistrate in Halifax, an elderly lawyer, who heard the County cases was actually engaged most of his time in that capacity but was strictly paid upon a fee basis, with quarters provided in the Courthouse and, at the end of each case a convicted person, if he were fined, went up to the Magistrate's desk who made change and pocketed the fees. Throughout the rest of the Province, the picture was a mosaic. In my home town, the magistrate was a dairy man, not a lawyer, and I do not believe he had extensive, general, formal*

* The pronoun he is used throughout the text for clarity only — it refers to both sexes.

education. . . He too was remunerated on a fee basis.[1]

The Costs and Fees Act provided for costs regardless of whether the defendant was acquitted or convicted. However for the most part, the stipendiary magistrate or justice of the peace only received his costs for the hearing, if there was a conviction.[2]

The fact that the stipendiary magistrate and justice of the peace had a financial interest in the outcome of the case, and the fact that most of them were not legally trained to perform their judicial duties did not enhance the image of justice in the eyes of the public. Criticisms were levelled at the system and at the individuals who ran it.

Yarmouth MLA R.W.E. Landry, speaking to the House of Assembly in 1916 described Cape Breton magistrates as crooked and dishonest and said some were known to be crooked by those who appointed them. He accused them of not observing the law requiring them to make reports to the provincial secretary of the fines and penalties which they imposed — and of making a practise of pocketing the fines.

In 1932, the fee system by which many magistrates were paid was described as "absolutely vicious" by Mr. Justice Hall, a former Attorney General. The statement appeared in the Halifax Herald on April Fools Day of that year. He stated that all magistrates should be salaried members of the bar in good standing and all other commissions should be cancelled.

R.W.E. Landry described stipendiary magistrates as having no more conception of the law than an ordinary schoolboy. He said some magistrates in Nova Scotia had never seen the inside of a law library. Overall, he described the administration of justice in the inferior courts of the province as being in a very deplorable condition. The following case was illustrative of that sentiment:

One Wallie Melanson, of Weymouth, was charged under the Nova Scotia Temperance Act of selling intoxicating liquor at Weymouth. The man went to the magistrate and on my advice pleaded not guilty. The magistrate was determined to convict. . . I argued the case before the magistrate and quoted authorities but he told me he did not

care about authorities, he was a prohibitionist but not prejudiced and my man was convicted. Later that case was taken before. . . the county court and the man acquitted on the grounds of lack of jurisdiction.[3]

Throughout Nova Scotia, the condition of the stipendiary magistrate and of the justice of the peace was generally the same. Trials were quickly held, almost on the spot, under circumstances which were often suspect. On paying a five dollar fine for a speeding violation, Mr. Thomas D. MacDonald who, in 1938 was the Assistant Deputy Attorney-General, noted:

I paid [the Magistrate] the fine and costs which later went into his pocket, and he returned to his work. Actually I don't think I was driving 25 m.p.h. in the model T-Ford, and the policeman no doubt depended upon convictions for his remuneration.[4]

There was a general growing discontent with the administration of justice in the stipendiary magistrates courts and in the courts of the justices of the peace. Beyond the lack of legal training and potentially conflicting responsibilities outside court, they held court wherever it was convenient to do so and sometimes in quarters that left much to be desired. Whether they were lawyers or not, because of the fee system they normally had a direct pecuniary interest in the outcome of the trial. These and other criticisms noted caused the courts to be held in low regard.

(I)f my memory serves me right about the only talk was some tales of what a country magistrate did and they were very interesting and good for a laugh.[5]

Thomas D. MacDonald stated that there was a general impression that the police and magistrates were simply branches of the same enforcement agency. it was a system that often worked in-

justices or appeared to do so to those who were involved with it.

The lack of impartiality that existed in part related to problems arising from legislation. *The Town's Incorporation Act* stated that no stipendiary magistrate was to be disqualified from trying any cause or matter or making any order, conviction or proceeding therein if the town or any of its officers or servants was a party to the trial; that the stipendiary magistrate was a ratepayer of the town and that the issue might affect the revenue of the town; that the prosecutor or plaintiff was related to the stipendiary magistrate, provided the prosecutor or plaintiff was acting in a public or official capacity; that the prosecutor or plaintiff in such cause or matter was indemnified by the town.

Similar legislative immunity from impartiality and bias was present as well in the provisions of *The Municipal Courts Act*.

The Town's Incorporation Act compelled the close association of the stipendiary magistrate and the police by legislation which directed the council to establish a police office where all the police business of the town was to be transacted. The stipendiary magistrate was directed to attend at the police office daily and from that office to perform his judicial function as justice of the peace or as stipendiary magistrate for the apprehension, committal, conviction and punishment of criminal offences and the laws, by-laws and ordinances of the town.

The system of costs and fees for stipendiary magistrates and justices of the peace seemed necessary — notwithstanding the imperfections that went with it. It provided a way for the provincial government to finance the administration of justice without drawing on its own revenues. Provincial laws were being enforced within a loose *ad hoc* court structure which was not perfect but which, generally, paid the employees (the stipendiary magistrates and justices of the peace) who ran it from the fees which they were able to collect.

The responsibility of the provincial government was limited to the appointments which the Governor-in-Council made to these positions from time to time. The imposition of penalties ensured that the law would keep its promises. It ensured that the system would be preserved and maintained. Collection of penalties were ensured by the default provisions which accompanied each fine wherein the defendant was imprisoned if he failed to pay the fine and costs imposed. The system was not altered if the stipendiary magistrate was paid by salary since all penalties and fees which were collected and received in the stipendiary magistrates court became part of the general revenue of the town.

The reality and importance of costs and fees to stipendiary magistrates and justices of the peace can be seen from an examination of their use. A Records of Conviction Ledger from Digby, Nova Scotia, shows that costs sometimes were disproportionate to the fine. On November 18, 1932, at Digby, Charles T. Hyson was convicted of common assault pursuant to section 290 of the *Criminal Code*. He was fined $2.00 for the commission of the offence and $8.05 in costs. The magistrate's costs were $5.25 and the constable's costs were $2.80. On June 19, 1935, at Digby, Fred Parker was convicted of being intoxicated in a public place contrary to section 75(2) of the *Nova Scotia Liquor Control Act*. He was fined $5.00 for the commission of the offence and $6.35 in costs. The magistrate's costs were $3.25 and the constable's costs were $3.10.

In some cases the ratio between the fine and costs was not disproportionate. On February 23, 1933, Frank Buckley was convicted of selling or keeping liquor for sale contrary to Section 66 of the *Nova Scotia Liquor Control Act*. He was fined $100 for the commission of the offence and costs of $7.30. The magistrate's costs were $4.60 and the constable's costs were $2.70. The fine was not paid. The defendant served one month in jail. Costs were also imposed when the accused was otherwise sentenced to custody. On February 7, 1933, Herbert Christmas was convicted of theft. For the commission of that offence he was sentenced to twenty days in gaol and costs of $10.10. The magistrate's costs were $6.60 and the constable's costs were $3.50. The default for non-payment of the costs was one month in jail.

In short, depending on the volume of cases which were processed, it is apparent that court fees could represent a substantial income supplement to the stipendiary magistrate or justice of the peace who imposed and received them. This fact, coupled with the fact that the majority of these officials had no legal training, together with their daily open associations with police officers, (who also received constable's fees) created incentives which would encourage findings of guilt — or at the very least — appear to do so.

A system of justice had developed which, while it may have answered a need in the early days, was by 1938 seen by the Government of the day, to be entirely unsatisfactory. The system produced judicial officers who were of low calibre, and who may have been motivated by fees rather than any motivation to see that justice was done. As a result, in 1938, the first step was taken to improve matters.

The Origin of the Provincial Court

The Legislation of 1938: Stipendiary Magistrates Act

The foundation for the Provincial Court was established in 1938 by an amendment to the *Stipendiary Magistrates Act*. This amendment created the office of the Police Magistrate along with his duties and powers. The legislation was intended to bring about two important changes. The first was the gradual elimination of the fee system and the second was to establish a standard of qualifications for magistrates. The police magistrate was the forerunner of the provincial court judge.

The legislation empowered the Governor-in-Council to create magisterial districts and to appoint police magistrates to them. The police magistrate was authorized to perform all acts required by a stipendiary magistrate or by one or two or more justices of the peace under the *Criminal Code*. He possessed their powers, jurisdiction and authority under any provincial legislation. A police magistrate was also, (when designated by the Governor-in-Council), able to act in any other magisterial district in the province.

Each police magistrate was *ex officio* a justice of the peace and stipendiary magistrate. He was paid such salary as the Governor-in-Council determined. He was required to take an oath before a County Court judge or such other person appointed by the Governor-in-Council. He was also required to give the bond of a guarantee company before entering upon his duties.

The police magistrate was required to be a barrister of the Supreme Court of Nova Scotia, of not less than three years standing. Unless he had the permission of the Governor-in-Council, he was not to practise any profession or to actively engage in any business trade or occupation. He was to devote his whole time to his duties as police magistrate or to such other duties as the Governor-in-Council might assign. He was appointed during pleasure (whereby the police magistrate could be removed without cause from his position at the discretion of the Government) for the first year of service and thereafter during good behaviour (when he could only be removed for cause).

No fee was to be taken by any police magistrate from any complainant or informant who was a police officer or constable of a town or a constable in receipt of a salary from a municipal council or a member of the Royal Canadian Mounted Police. All fees that were taken by the police magistrate were to be forwarded by him to the Attorney General. He was to make quarterly reports

to the Attorney General on the 10th day of March, June, September and December in each year respecting every criminal and penal matter which came before him during the three previous calendar months. For every day which the report was late the sum of five dollars could be deducted from his salary. If proper reports were not made or if they were knowingly not true and correct the police magistrate could be removed from office.

The police magistrate was empowered to hold his court at any place within the limits of any county which was in whole or in part the territorial limits of his magisterial district. He was given the right to use any courtroom or town hall belonging to a county, municipality or town in which he sat but was not to interfere with the ordinary use of the courtroom or town hall for other courts or other purposes for which it was maintained.

The Governor-in-Council was empowered to order that the jurisdiction of the police magistrate within his magisterial district, be made exclusive. Thereafter no magistrate or justice of the peace had similar jurisdiction except to issue a summons warrant or other process returnable before the police magistrate.

Impact of the 1938 Legislation

> *The greatest advance in administration of law in Nova Scotia since the adoption of the Judicature Act in 1884 was made with the creation of a completely province wide system of Provincial Magistrates in 1938. All were lawyers appointed during pleasure for the first year of service and thereafter during good behaviour.* [6]

The *Stipendiary Magistrates Act* achieved its objectives with the elimination of fees payable to magistrates and establishing qualifications of office. Overall, the legislation established the framework in which the police magistrate would replace the stipendiary magistrate and justice of the peace. The jurisdiction of existing magistrates did not end with the creation of the office of police magistrate, but vacancies would not be filled.

Essentially, the 1938 legislation eliminated the problems of the preceding years, but it created new ones. It is clear for several reasons, that the legislators did not think of police magistrates in judicial terms and did not think they were creating a provincial court in Nova Scotia with judges to preside therein. To be-

gin, with the exception of the creation of magisterial districts, the jurisdiction given to police magistrates was merely a consolidation of the jurisdiction of the stipendiary magistrate and one or two or more justices of the peace, but no more.

Secondly, the name magistrate, invidious to begin with, was retained.

> *The word magistrate connotes too lowly a judicial officer; the Encyclopedia Brittanica describes magistrates as 'inferior and subordinate judicial officers'. Moreover, the term magistrate suffers from the further disadvantage that it is also used for political office: the mayor is often referred to as the chief magistrate of the city.*[7]

In addition, the name magistrate represented a substantial continuing link to the sometimes infamous stipendiary magistrates and justices of the peace who were being replaced. Further, the use of the word 'police' in conjunction with the word magistrate was adjectival and described not only the expectation that the new office possessed a prosecutorial function but perpetuated the image of injustice and the prejudicial role for which its predecessors had been criticized.

Thirdly, the probationary first year of employment denied the police magistrate the independence needed to assure his impartiality. It denied security of tenure and made the continuance of employment beyond the first year, dependent on the Governor-in-Council and the assessment of his adequacy. This quality of employment was not consistent with federal judges who were guaranteed security of tenure immediately on their appointment, under the *Constitution Act*.

Fourthly, the guarantee bond and the five dollar per day penalty payable from the salary of the police magistrate for late filing of reports, perhaps offensive to the integrity of the position of judge, was acceptable to the legislature in relation to the police magistrate. There was no similar legislation for federal judges.

Fifthly the magistrates were given no priority to hold court in a courtroom. They were authorized to use existing courtrooms only if their use did not interfere with the ordinary use of the courtroom for other courts or other purposes for which court-

rooms were maintained. For example, based on the experience of the author, it was not uncommon during the 1960s and 1970s for Provincial Magistrates Court to be held in police stations and bingo halls. In Halifax, the magistrate sat in the police station on Market Street and the glass sign which hung outside read "Police Court". As late as the 1970s in Shubenacadie, court was held in the same room where bingo was played the night before. In Kentville, during the 1960s when the Supreme Court was visiting, Magistrates Court was held in the Anglican Church Hall. This relegated the police magistrate to wherever he could find enough space to hold court. It did not enhance the image of the court in the community.

Sixthly, the legislation did not provide for support staff to assist the police magistrate in the procedural and administrative functions of the court. This meant, ***inter alia***, that the police magistrate performed all of the functions of court clerk as well as that of judge. He was totally immersed in the court process: he called the accused to appear before him; read the charge; entered the plea of guilty or not guilty; issued summonses and warrants; conducted the trial; swore witnesses; marked exhibits; sentenced the accused; collected fines (in the courtroom) and made change when necessary. After court the police magistrate secured the exhibits or gave them to the police to look after; he processed the information; made out reports for the Attorney General; balanced the cash received from the payment of fines and made the bank deposit. This procedure was totally foreign to Supreme and County Court judges who often did the same judicial work, but who had support staff to attend to the procedural and administrative requirements.

The position of police magistrate was enhanced to some degree compared to that of the office of its predecessors. It was made less parochial in nature by virtue of the requirement that the police magistrate take the oath of office before a County Court judge or such other person as the Governor-in-Council appointed to administer the oath. Formerly, the stipendiary magistrate took the oath of office before a non-judicial official such as the Mayor of a town or the Warden or clerk of a municipality. The justice of the peace was required to take the oath of office before the warden or clerk of his municipal district. The wording of the oath which the police magistrate was required to take was the same as the oath taken by the stipendiary magistrate and justice of the peace. It was not the same oath which was taken by a judge of the County Court or of the Supreme Court.

The ***Stipendiary Magistrates Act*** required the police magis-

trate to devote his whole time to his duties as police magistrate or such other duties assigned by the Governor-in-Council. He was not to practise any profession or actively engage in any business, trade or occupation except with the permission of the Governor-in-Council. The section controlled the extra judicial activities of the police magistrate. It was legislation that did not exist in relation to stipendiary magistrates or justices of the peace who often exercised their judicial functions on a part time basis. By requiring police magistrates to devote their full time to the pursuit of their official duties, the legislation improved the image of impartiality that had been previously lacking. It did not allow police magistrates to be part time judges.

Finally, the new legislation did not permit police magistrates to personally accept any fees in payment for judicial services. And any fees that were received by the police magistrates were to be transmitted by them to the Attorney General and by the Attorney General to the Provincial Secretary. This particular legislation did not allow the police magistrate to have any direct pecuniary interest in the case before him, which was a considerable cause for concern previously when fees were paid directly to the stipendiary magistrate or justice of the peace. The legislation removed the potential for bias or reasonable apprehension of bias on the part of the police magistrate because of a pecuniary interest in the outcome of the case.

In summary, the 1938 legislation did much to improve the court systems which preceded it but it gave rise to new difficulties. The legislation retained the name magistrate and perpetuated the image of stipendiary magistrates court and the court of the justice of the peace. The new police magistrate had no official courtroom in which to hold court and no support staff to assist him in his administrative and judicial duties. He was saddled with legislative insults, such as a guarantee bond and a five dollar per day fine for failing to file reports. In reality, the police magistrate was a justice of the peace in all but name. However, even though the position given by the legislation did not elevate him to the status of judge, it was an important advance forward.

Legislative Changes 1945-1970

The Legislation of 1945

In 1945, all previous legislation under the *Stipendiary Magistrates Act* was repealed and replaced by an Act to amend and consolidate chapter 37 of the Revised Statutes, 1923, *of Stipendiary Magistrates*. The new Act, for the most part adopted the 1938 legislation dealing with police magistrates, but there were a few changes.

The most notable change was the elimination of the name police magistrate. It was replaced with the designation provincial magistrate. The former requirement that a police magistrate be a barrister of the Supreme Court of at least three years standing was not re-enacted and was not replaced in the new legislation. As well, section 29(2) of the 1938 legislation, which penalized the police magistrate five dollars a day for late filing of reports was dropped. It was replaced by a general prohibition through which the failure of a provincial magistrate to properly prepare and file reports could result in removal from office. Other than those differences and the fact that several sections of the 1938 legislation were more succinctly drafted, the content of the 1945 legislation remained basically the same as its 1938 counterpart.

1951 Legislation

In 1951, the dates for the quarterly reports which the provincial magistrate was required to make to the Attorney General were changed from the 10th day of March, June, September and December, to the 10th day of January, April, July and October.

1953 Legislation

In 1953, section 19 of the *Stipendiary Magistrates Act*, was amended to include within the powers, jurisdiction and authority of a provincial magistrate those of a stipendiary magistrate for any town within his magisterial district.

1955 Legislation

In 1955, sections 34-37 were added to the *Stipendiary Magistrates Act*. Section 34 empowered the Governor-in-Council to authorize a stipendiary magistrate or provincial magistrate, who was a barrister of at least five years standing, to exercise the jurisdiction conferred upon a magistrate by Part XVI of the Criminal Code. Part XVI deals with indictable offences; trial without a jury;

absolute jurisdiction of magistrates and magistrates jurisdiction with consent. Section 35 directed that the terms of appointment of every stipendiary magistrate or provincial magistrate was to be judicially noticed. Section 36 required that no person was to be appointed a provincial magistrate who was not a barrister of the Supreme Court of at least five years standing. Section 37 stated that in every Act, proceeding, document or matter relating to a provincial magistrate, it was sufficient that he be described as Provincial Magistrate.

1962 Legislation

This legislation established that the retirement age for every provincial magistrate was increased from sixty-five to seventy years.

1966 Legislation

In 1966, legislation was passed whereby it was sufficient for all purposes to describe or designate a provincial magistrate as Provincial Magistrate or Judge of the Provincial Magistrates Court.

1970 Legislation

The 1970 legislation once again amended section 29 of the *Stipendiary Magistrates Act* and required the Provincial Magistrate to make monthly reports to the Attorney General instead of quarterly reports. They were to be made on or before the 10th day of each month.

The Legislation of 1976

Judges of the Provincial Magistrates Court Act

The 1976 legislation was entitled *Judges of the Provincial Magistrate's Court Act*. The legislation repealed sections 17 to 37 of the *Stipendiary Matistrates Act*, R.S.N.S., 1967, c. 292. Unlike previous legislation dealing with magistrates, the Act created the office of a judge who presided over a court and defined judge as a judge of the Provincial Magistrates Court. The oath of office remained unchanged from 1938 but it was taken before a judge of the County Court or a judge of the Supreme Court.

The five year qualification as a barrister of the Supreme Court of Nova Scotia remained unchanged as a prerequisite for appointment. The tenure of office also remained unchanged. Each judge was to hold office for one year during pleasure and thereafter during good behaviour. However a judge could be removed from office by order of the Governor-in-Council where he failed to comply with any provision of the Act or regulation made thereunder; or where he became afflicted with a mental or physical infirmity disabling him from the due execution of office; or where in the execution of his office he acted in a manner contrary to the public interest or the better administration of justice. The retirement age was lowered from seventy years to sixty five years but left the discretion with the Governor-in-Council to extend the term of office on an individual basis for a further period.

Each judge was given jurisdiction throughout the province as well as the powers and duties conferred or imposed upon him by an Act of the Legislature or of the Parliament of Canada. He retained the jurisdiction conferred by Part XVI of the Criminal Code as well as the powers and duties previously held as magistrate and was *ex officio* a justice of the peace and a commissioner for taking affidavits. He was empowered to continue proceedings commenced by another judge. In the matter of fees the legislation remained unchanged. He was to take no fees under the *Costs and Fees Act* nor from any complainant or informant who was a police officer or constable of a city, town or municipality, or a constable in receipt of a salary from a city, town or municipal council or a member of the Royal Canadian Mounted Police.

In addition to the requirement that he devote his full time to his duties a judge of the Provincial Magistrates Court was precluded from acting as a commissioner, arbitrator, adjudicator, referee, conciliator or mediator on any inquiry or other proceeding unless authorized to do so by an Act of the Legislature, by the Governor-in-Council or by the Attorney General. The right to use any courtroom subject to its ordinary use remained unchanged from earlier legislation as did his designation as a Provincial Magistrate or Judge of the Provincial Magistrates Court.

The Attorney General was empowered to designate or appoint a person in the public service to be the administrator of the court and to perform such duties as prescribed in the regulations. As well, the appointment of every judge was to be judicially noticed.

In the matter of regulations, the Governor-in-Council reserved the power to make regulations covering the whole gamut of judicial administrative activities. These included such matters as salaries; judicial expenses; judicial benefits; court support staff

and their duties; prescribing to whom fines, penalties, forfeitures, fees and court costs were to be paid; designating the place or places and the area or areas within the Magisterial District within which a judge was to exercise his jurisdiction; other matters which related to the administrative aspects of a court and such other matters as were necessary to carry out the intent and purpose of the Act.

In addition the Governor-in-Council on the recommendation of the Attorney General, could award a pension to a judge, additional to the benefits conferred by the *Public Service Superannuation Act*. It applied if the judge had twenty years service and was sixty-five, or had twenty years service but had resigned in the interest of the better administration of justice or the public interest or ceased to hold office by reason of his having attained the age of sixty-five years, (if he was a judge on the day the section came into force). The pension was in an amount equal to seventy percent of the average salary authorized for the judge during the last five years of service.

Scope of the 1976 Legislation: Legislative Neglect

The 1976 legislation created the *Judges of the Provincial Magistrates Court Act*. The Honourable Allan Sullivan, in the debates of the day pointed out that it was the first legislation in Nova Scotia to recognize the provincial magistrate solely as a separate judicial entity. [8] All prior legislation dealt with provincial magistrates by way of amendment to the *Stipendiary Magistrates Act*, commencing 1938. The 1976 Act legislated a change in the status of the provincial magistrates from that of a justice of the peace more or less, to that of a judge. In fact, a change in status had been taking place independently of the legislation. The jurisdiction and responsibility of the provincial magistrate had increased steadily since the office was first begun, so that by 1970 it was stated:

> *(T)he Magistrates Court in Canada has a broader jurisdiction to try cases, and wider sentencing powers than that given any other lower court in the world. Over ninety-four percent of indictable offences are dealt with by magistrates.* [9]

The 1976 legislation did not totally recognize that increased responsibility. The legislative change from provincial magistrate

to judge was tentative since the designation provincial magistrate still remained. The 1976 legislation created a dual status of either provincial magistrate or judge. In doing so it maintained contact with both the questionable legacy of the stipendiary magistrate and justice of the peace of the past and the new emerging status of judge.

The legislation was a reflection of the ambivalence in the thinking of the time: that the vocation of judge of the Provincial Magistrate's Court by qualified people was not greatly sought after. This was stated in the House of Assembly Debates by the Attorney General, The Honourable Leonard L. Pace who said:

> *. . . the vocation of the Judges of the Provincial Magistrates Court, by well qualified people is not greatly sought after, to be very candid about it, Mr. Speaker.* [10]

In contrast to this there was the recognition that the Provincial Magistrates Court was, of all the courts, the most important.

Although it may appear to do so, the *Judges of the Provincial Magistrates Court Act* did not establish a Provincial Magistrates Court for the Province of Nova Scotia. The legislation interpreted "court" as the court presided over by a judge, and "judge" meant a judge of the Provincial Magistrates Court. These were the only definitions. They are circular in nature and create the illusion of a Provincial Magistrates Court, as does the title of the Act itself, but at best the legislation only inferred its existence and never gave it substance. The legislation was blurred and the result was that the court, as a specific entity, did not exist. The legislation created no substantial difference between the designation "judge" in 1976 and "police magistrate" in 1938. The 1976 legislation provided for the continuation of the former office of provincial magistrate under another name and it merely effected a cosmetic transformation of magistrates into judges. [11]

The 1976 legislation continued the one year probationary requirement that first appeared in 1938. Its impact was the same on judges of the Provincial Magistrates Court as it was on police magistrates. During that probationary year it either denied them independence, impartiality and security of tenure or appeared to do so.

As stated earlier, the section also provided for removal of a judge from office by the Governor-in-Council if he failed to comply with any provision of the Act or regulations; or became

afflicted with a mental or physical infirmity disabling him from due execution of his office in a manner contrary to the public interest or the better administration of justice in the province. The section did not establish a procedure to determine if cause in fact existed, to justify the removal of a judge. Also, it did not provide the judge with the opportunity to meet, answer or examine any of his accusers. The legislation which unilaterally vested the power of removal in the Governor-in-Council was unlike the legislation which existed for federally-appointed judges.

The *Judges Act*, directed that a judge of the superior, district or county court could be recommended for removal from office by reason of age or infirmity; having been guilty of misconduct; having failed in the due execution of his office or having been placed, by his conduct or otherwise, in a position incompatible with the due execution of his office, after due inquiry or investigation by the Canadian Judicial Council.

The judge on whom the inquiry was conducted was to be given reasonable notice of the time and place of any hearing. He was also afforded the opportunity of being heard personally or by counsel and of cross-examining witnesses and of adducing evidence on his own behalf. The judicial council reported its findings to the Minister of Justice for Canada. The Governor-in-Council on the recommendation of the Minister — after receipt of the report — could remove a County Court judge from office. The order of the Governor-in-Council and all reports and evidence was to be laid before Parliament within fifteen days after it was made. If Parliament was not sitting, on any of the first fifteen days that it was sitting.

Superior court judges were removed by the Governor General on address of the Senate and the House of Commons. Judges of the Supreme Court of Canada were also removable by the Governor General on address of the Senate and House of Commons as well as judges of the Federal Court who were removable on exactly the same procedure.

Section 10(1) of the 1976 legislation provided that a judge must devote his full time to the performance of his duties and, without express permission of the Governor-in-Council, was not to practise any profession or actively engage in any business, trade or occupation. In addition section 10(2) prohibited a judge from acting as commissioner, arbitrator, adjudicator, referee, conciliator or mediator on any commission, or any inquiry or other proceeding unless he was expressly authorized to do so by an Act of Legislature, the Governor-in-Council or the Attorney General.

The section was clear in its general intent that judges should pursue only their judicial duties. It was fundamentally the same as section 25 — its 1938 predecessor. Section 25 came into being in part to eliminate the practise which allowed stipendiary magistrates and justices of the peace to be part time judicial officers. In 1976 when the Governor-in-Council expressly authorized a judge to practise any profession or actively engage in any business, trade or occupation; or when the Legislature, the Governor-in-Council or the Attorney General expressly authorized a judge to act as a commissioner, arbitrator, adjudicator, referee, conciliator or mediator on any commission or on any inquiry or other proceeding; they in effect took the judge away from the full time performance of his duties and re-established the position of part time judge and the circumstances which the 1938 legislation intended to eliminate.

The potential re-creation of the role of part time judge gave rise to the same type of problem that brought about the 1938 legislation: but the roles were reversed. Instead of a labourer or farmer acting as a part time judge as occurred prior to 1938, the 1976 legislation permitted a full time judge to work as a part time commissioner, arbitrator, adjudicator, referee, conciliator or moderator either independently and apart from the Government in power or as its employee; but in either case with its express authorization.

The 1976 legislation did not change the place where judges were permitted to hold court. It was the same provision that was used in the 1938 legislation. Provincial Court judges, as with police magistrates, were authorized to use existing courtrooms only if that use did not interfere with the ordinary use of the courtroom by other courts or for other purposes for which the courtroom was maintained.

The 1976 legislation empowered the Attorney General to designate or appoint a person in the public service to be the administrator of the court who was to perform duties prescribed in the regulations. The Governor-in-Council was authorized to make regulations governing virtually every aspect of the administration of the provincial court. This aspect of the legislation clearly set forth the administrative authority of the Attorney General over the court.

Section 18 of the 1976 legislation dealt with additional pension benefits for judges who had continued in office for at least twenty years and had attained the age of sixty-five; or had continued in office for twenty years but had resigned and the resignation — in the opinion of the Governor-in-Council — was

conducive to the better administration of justice or the public interest; or ceased to hold office by reason of having attained the age of sixty-five years. The pension benefits were improved so that after twenty years of service a judge would be able to draw a full pension of seventy percent of his salary over the last five years.

The reason this change was made was to upgrade the court in order to attract experienced and well qualified people. The Attorney General, the Honourable Leonard Pace said in connection with pension changes: "Now, immediately, I suppose, it comes to mind, why are you doing this?" I think it's an appropriate and proper question to ask and the answer is really this, that we are attempting to upgrade the court as best we can. . . .

Further Legislative Change 1979-1986

1979 Legislation

The 1979 legislation eliminated the designation "magistrate" from the legislation of 1976. Among other things the title of the Act was changed to the *Judges of the Provincial Court Act*. As well, "judge" was defined as a judge of the Provincial Court.

1980 Legislation

The 1980 legislation authorized the Governor-in-Council — on the recommendation of the Attorney General — to appoint a chief judge for such term as the Governor-in-Council determined. The chief judge was to have the power to perform the duties prescribed in the regulations.

The legislation also authorized the Governor-in-Council to appoint a Judicial Council to be composed of the Chief Justice of Nova Scotia, who was to be chairman, the Chief Justice of the Trial Division of the Supreme Court; the President of the Nova Scotia Barristers Society or another member of the executive designated by him; a County Court judge and a judge of the Provincial Magistrates Court. The County Court judge and the judge of the Provincial Magistrate's Court, were appointed on the request of the Chairman for each matter which came before the

judicial council. A majority of the members of the judicial council constituted a quorum and was sufficient for the exercise of all of its jurisdiction and powers.

The functions of the Judicial Council were at the request of the Attorney General or Chief Judge to investigate complaints respecting misbehaviour of a judge, neglect of duty of a judge or the inability of a judge to perform his duties; to discipline or suspend a judge on such terms and conditions as the Judicial Council considered appropriate; to recommend to the Governor-in-Council that a judge be removed from office pursuant to subsection (4) of Section 6. The proceedings of the Judicial Council were not to be public but it could inform and advise the Attorney General concerning the matters it investigated.

The Judicial Council removed the responsibility from the Attorney General to discipline Provincial Court judges or otherwise deal with complaints made concerning them.[12] That responsibility was not compatible with the role of the Attorney General which, on the one hand, required him to prosecute cases before a Provincial Court judge and on the other hand, required him to discipline that judge for misbehaviour, neglect of duty, inability to perform his duties, or some other cause. The Judicial Council assumed this responsibility and at the same time lessened the potential for interference or the appearance of interference by the Attorney General with the independence of the Provincial Court.

1984 Legislation

The legislation of 1984 permitted a judge of the Provincial Magistrate's Court to reserve judgement for a period of not more than six months from the day of reserving judgement.

The provision was implemented to ensure that judges rendered their decision within a reasonable time after the completion of the proceeding, and to avoid undue delay so as not to infringe the *Charter of Rights* requirement that any person charged with an offence has the right to be tried within a reasonable time.

1986 Legislation

The 1986 legislation amended that part of Section 6 of the *Judges of the Provincial Magistrate's Court Act* whereby a judge was appointed during pleasure for the first year after his appointment. Thereafter all judges on appointment, were appointed during good behaviour only. The legislation also provided that the Chief Judge was subject to removal for the same reasons as other provin-

cial court judges. In addition it allowed the Chief Judge to suspend a judge on such terms and conditions as the Chief Judge may determine where he believed immediate action was necessary.

Within ten days of suspending, the Chief Judge was to request the Judicial Council to investigate the circumstances giving rise to the suspension and to take the appropriate action. The legislation also authorized the Judicial Council on the request of the Attorney General or the Chief Judge to investigate any matter relating to the Chief Judge or complaints respecting the misbehaviour, neglect of duty or the inability of the Chief Judge or a judge to perform their duties; to discipline or suspend the Chief Judge or a judge and to terminate or vary a suspension imposed by a Chief Judge; or to recommend to the Governor-in-Council that the Chief Judge or a judge be removed from office.

The legislation also mandated that payment of the additional pension benefits of Section 18 take place on fulfillment of necessary requirements and that the discretion to pay the benefits which had been vested in the Governor-in-Council, on the recommendation of the Attorney General, be removed.

The removal of the one year probationary period for judges appointed to the Provincial Magistrates Court eliminated a provision which originated with the 1938 legislation. The one year qualifying period compromised the independence of a newly appointed provincial court judge by making him dependent for future employment on how the first year was assessed by those who appointed him. The amendment removed the possibility that the Attorney General might recommend dismissal of the new judge. It eliminated the possibility that an Attorney General, who was unhappy with the judicial response to his prosecutions, or for any reason, might take steps to remove the cause of that unhappiness during the first year probationary period.

Conclusion

The period of 1938 to 1987 was one of gradual change and little progress in the provincial court system in Nova Scotia. In 1938 the office of police magistrate, which evolved out of the office of the stipendiary magistrate and justice of the peace, subsequently became provincial magistrate and thereafter became a judge of the Provincial Magistrates Court. Finally, in 1979 a judge of the Provincial Magistrates Court became a judge of the Provincial Court.

For the most part, during that period of time, the overall control of the provincial magistrate or Provincial Court judge remained vested in the Attorney General and the Governor-in-Council. That control included the power to discipline or dismiss a judge, as well as the authority to determine salary and all of his administrative needs. The possession of that authority by the Attorney General and the Governor-in-Council created conflicts of interest with the judicial requirement that provincial magistrates, or judges of the Provincial Magistrates Court, or judges of the Provincial Court, maintain judicial and administrative independence.

A portion of the conflict was eliminated by the creation of the Judicial Council which assumed responsibility for the discipline and dismissal of judges of the Provincial Court. The larger conflict remained unsolved. The Governor-in-Council retained the power to determine the salary and administrative needs of the judges of the Provincial Court while at the same time the Governor-in-Council through its prosecutors appeared in Provincial Court to prosecute offences for violations of laws it was required to enforce and maintain.

The conflict was two sided. There was a conflict when the Governor-in-Council controlled the purse strings and administrative needs of its judges and at the same time appeared in court demanding judicial impartiality and independence in the resolution of its prosecutions. There was a conflict for the judges of the Provincial Court, who were required to be impartial and independent, when their salary and administrative needs remained in the absolute discretion of the Attorney General and Governor-in-Council who, through their prosecutors, appeared before them. In a courtroom, neither party should be interested or distracted by anything other than the law and the justice of the matter that is before the court.

All of the legislation, from 1938 to 1987, failed to create a Provincial Court of Nova Scotia. The legislation effected a change, in name only, from that of police magistrate in 1938 to that of judge of the Provincial Court in 1979.

Finally, the legislative status of a judge of the Provincial Court in Nova Scotia was not much advanced over the office of police magistrate which began with the 1938 legislation. This was so notwithstanding the fact that there was a substantial increase in the jurisdiction and responsibility of magistrates and judges of the Provincial Court, over the years.

The magnitude of the impact of evolution upon the jurisdiction of the 'inferior' courts becomes

graphic as one considers that of one hundred and thirty-six offences which were within the exclusive jurisdiction of the Superior Courts in the 1892 Criminal Code, only the following listed in S. 427 of the present Code, remain.

1 *High treason*
2 *Alarming or causing bodily harm to Her Majesty*
3 *Intimidating Parliament or the Legislature of a Province*
4 *Inciting to mutiny*
5 *Sedition*
6 *Piracy or Mutinous Act*
7 *Murder*
8 *Acceptance of a bribe by a judicial officer*
9 *Attempts to commit any of the above offences (except that of murder, the attempt of which is within the jurisdiction of the District and Provincial (Criminal Division) Courts.*[13]

The formal creation of a Provincial Court of Nova Scotia and the recognition of the provincial judges as a part of that court has not yet taken place. The present control of the provincial judges and their extra-judicial activities remains essentially in the hands of the Attorney General and the Governor-in-Council, as it did in 1938. The impact of that control on the administrative and judicial independence of the judges of the Provincial Court has changed little since that time and for the most part the condition and status of the court and the judges has remained the same.

Addendum

On May 25, 1988 there was a major change in the condition and status of the court.

On that date Royal assent was given to an amendment to the *Judges of the Provincial Courts Act* which provided for the appointment by the Governor-in-Council of a tribunal to determine salaries and per diem payments to judges of the Provincial Court and judges of the Family Court. By this legislation the authority to determine the salaries of the judges of these courts was granted to an independent and impartial body. The effect of the legisla-

tion was to strengthen the independence of provincial judges by the removal of their dependence on the Government in the matter of the determination of their salaries. This in turn removed any question of the existence of a conflict of interest, either apparent or real, in that regard.

The legislation is the first of its kind in Canada. It appears to be a recognition by the Government of the maturity of the Provincial and Family courts and of the responsibilities to which they have evolved. It removes many of the encumbrances of the past fifty years and is a positive and encouraging sign for the future.

Endnotes

1 Letter from Thomas D. MacDonald, Q.C., July 27, 1973. In 1938, Mr. MacDonald was assistant to F.F. Mathers, Q.C., the Deputy Attorney General of Nova Scotia.

2 Letter from R.A. MacDonald, Executive Director, Department of Attorney General, March 25, 1987.

3 See, speech of R.W.E. Landry, member of the Legislative Assembly from Yarmouth, Nova Scotia in the Halifax Herald, March 30, 1916.

4 *Supra*, note 1.

5 Letter from Gordon E. Romky, October 26, 1972. Mr. Romky was a member of the Legislative Assembly of Nova Scotia in 1938, when legislation creating Police Magistrates was passed.

6 Horace E. Read and John M. Barker, *The Judicial Systems Of The Common Law Province And Federal Courts of Canada*, Dalhousie Law Library, (unpublished paper). The name Provincial Magistrate was not formerly enacted until 1945, S.N.S., c. 4, s. 17.

7 *Debates of the Nova Scotia House of Assembly*, 1976-77, vol. 3, p. 1883. The Honourable Allan E. Sullivan, Minister of Public Health said: "Honourable members may not realize it, but prior to this there was no actual bill dealing with provincial Judges. The only bill relating to the subject matter was the Magistrates Act".

8 J. Hogarth, *Sentencing As A Human Process*, (Toronto: University of Toronto Press, 1971), p. 357.

9 Darrell Roberts, *The Structure And Jurisdiction Of The Courts And Classification Of Offences*, Law Reform Commission of Canada, 1973, p. 23. "It can thus be said, I think, that as a matter of principle our whole criminal process is debased by the system of various grades of court when its most important court is looked upon as inferior and subordinate."

10 See, *Report Of The Provincial Criminal Court Judges Special Committee On Criminal Justice In Ontario*, January 2, 1987, Chairman: Judge David Vanek, at p. 13. "It is important to note that [the Provincial Courts Act] did not provide merely for the continuation of the magistrate's courts under another name nor was its purpose the cosmetic transformation of magistrates into judges".

11 *Debates of the Nova Scotia House of Assembly, supra*, note 7, p. 1880.

12 *Debates of the Nova Scotia House of Assembly*, 1980-81, vol. 4, p. 2654. The Attorney General, the Honourable H.W. How stated: "Here we will have a Judicial Council, which will take away from the Attorney General the role he sort of has as an arbiter, or disciplinarian, of shortcomings of any judge of the Provincial Court, so that we will not have the suggestion that we are in any way interfering with the independence of the Provincial Court."

13 *Supra*, note 10, at p. 15.

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2 Of Stipendiary Magistrates, R.S.N.S., 1923, C. 37.

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4 Of Civil Procedure in Justices Court, R.S.N.S., 1923, C. 219.

5 The Nova Scotia Summary Convictions Act, R.S.N.S., 1923, C. 224.

6 The Costs and Fees Act, R.S.N.S., 1923, C. 252.

7 Towns Incorporation Act, R.S.N.S., 1923, C. 84.

8 Prothonotaries and Clerks of the Crown Act, R.S.N.S., 1967, C. 204.

9 County Court Act, R.S.N.S., 1967, C. 64.

10 Public Service Superannuation Act, R.S.N.S., 1967, C. 256.

11 Judges of the Provincial Magistrates Court Act, S.N.S., 1976, C. 13.

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1 An Act respecting the duties of Justice of the Peace. . . in relation to summary convictions, S.C., 1869, C. 31.

2 An Act respecting the prompt and summary administration of Criminal Justice in certain cases, S.C., 1869, C. 32.

3 The Constitution Act, 1876, 30-31 Victoria, C. 3 (U.K.)

4 Judges Act, R.S.C., 1970, C.J1.

5 Supreme Court Act, R.S.C., 1927, C. 35.

6 Judges Act, S.C., 1970-71-72, C. 16.

7 Federal Court Act, R.S.C., 1970, C. 10 (2nd. Supp.).

8 Canada Act, 1982, (U.K.), 1982, C. 11, Schedule B.

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2 The Provincial Court Act, S. of Nfld., 1974, No. 77.

3 Provincial Court Act, R.S.B.C., 1969, C. 28.

4 The Courts of Justice Act, S.O., 1984, C. 11.

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3 *Halifax Herald*, April 1, 1932.

4 *Ibid.*, April 6, 1929.

5 Gordon E. Romkey, MLA-1938, Letter to Judge R.E. Kimball, October 26, 1972.

6 Records of Convictions Ledger, with entries from November 1, 1932 to November 27, 1935, concerning Summary Convictions, Acts of Canada and Nova Scotia. Digby County Barristers' Library, Digby, Nova Scotia.

7 A.H. McKinnon, Chief Justice of Nova Scotia, Letter to Judge R.E. Kimball, January 29, 1973.

8 *Halifax Herald*, March 23, 1938.

9 Horace E. Read and John M. Barker, *The Judicial Systems of the Common Law Provinces and Federal Courts of Canada*, Dalhousie Law Library. (unpublished paper).

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11 J.O. Wilson, *A Book For Judges*, (Ottawa: The Minister of Supply and Services, 1980).

12 Allan E. Sullivan, Minister of Public Health, *Debates of the House of Assembly*, 1976-77.

13 J. Hogarth, *Sentencing As A Human Process*, (Toronto: University of Toronto Press, 1971).

14 Leonard Pace, Attorney General, *Debates of the House of Assembly*, 1976-77.

15 Darrell Roberts, *The Structure And Jurisdiction of The Courts And Classification of Offences*, Law Reform Commission of Canada, 1973.

Judges of the Provincial Court

BIOGRAPHIES

JUDGE BERNARD WALLACE RUSSELL

The son of Mr. Justice Benjamin Russell—one of the founders of Dalhousie Law School—Judge Russell was born at Dartmouth, February 7, 1889. He graduated from Dalhousie Law School in 1911 after receiving his Bachelor of Arts from Mount Allison University in 1908. He practised law in Halifax with Ronald Fielding in the firm of Russell and Fielding before becoming the first Police Magistrate on November 3, 1938. He was a lecturer at the law school and the co-author of a book entitled ***Crustula Juris***, "being a collection of leading cases in contract law done into verse".

Judge Russell was twice married. His first wife was Lillian Anderson of St. John, New Brunswick, and his second wife was Daisy Frances Foster of Halifax. There were no children of these marriages.

During World War I, Judge Russell served with the Canadian Infantry in Europe. He was honorably discharged with the rank of major. He was a former alderman for the City of Halifax. He enjoyed fishing and yachting and was a Member of the Royal Nova Scotia Yacht Club. He resigned from his position as Police Magistrate on November 2, 1939 and moved to Ottawa with the Department of Veterans Affairs. He retired to Kingston, Ontario where he died in 1967.

Judge Horace Blair Dickey

Horace Blair Dickey was born at Upper Canard, Kings County on March 21, 1895. He entered Dalhousie Law School in 1925 after serving as a gunner in World War I with the Canadian Garrison Artillery in France. He was admitted to the Bar of Nova Scotia on May 26, 1925. He practised law for fourteen years, first in Digby and then in Kentville with the Right Honourable J.S. Illsley (later Chief Justice of Nova Scotia) in the firm of Illsley and Dickey.

On December 8, 1938 Judge Dickey was appointed Police Magistrate at a salary of $2600 per annum. The appointment covered Magisterial District No. 2 and included the counties of Colchester, Hants, Kings and Annapolis. He presided over Court in all the towns contained therein, from Stewiacke to Annapolis. After Magisterial Districts were abolished, Judge Dickey conducted Court proceedings in Lunenburg County. In 1969, he was appointed a Commissioner to inquire into complaints of alleged interference with police duties in Bridgewater. Judge Dickey was not married. After his retirement on February 28th, 1961 he lived in Kentville where he was active in the Kentville United Church until his death on February 6, 1976.

Judge Robert Ebenezer Inglis

Robert Ebenezer Inglis was born September 13, 1887 at North Lochaber, Antigonish County. He received his Bachelor of Arts degree from Dalhousie University and graduated with his Bachelor of Laws degree in 1920. He was a former President of the Dalhousie Law Students Society. He enlisted in the 19th Canadian Siege Battery and arrived overseas in England in May, 1916. While in England he served two terms at the Inns of Court in London. He was admitted to the Nova Scotia Bar on February 13, 1920, and practised law with the firm of Murray, MacKinnon and Inglis in Halifax (though he was not a partner).

Judge Inglis married the former Katherine Stewart Mowat of Pictou and they had two sons: Frederick Graham and Robert Douglas. He was active in the Bar Society of Nova Scotia and was made honorary President in 1975.

On November 15, 1939 Judge Inglis was appointed Police Magistrate presiding in Halifax County and in the Halifax Police court. During his judicial career he held Court in most centers throughout Nova Scotia. He retired as a Provincial Magistrate on September 13, 1959 but remained active as a replacement Judge until 1982. He died September 19, 1984.

JUDGE JOHN LOGAN CROWE

A native of Shubenacadie, Hants County, Judge Crowe was born May 14, 1909 and studied at the University of King's College before graduating from Dalhousie Law School in 1933. He was admitted to the Bar of Nova Scotia on May 13, 1933 and practised in Halifax with the late Angus L. MacDonald, a former premier of Nova Scotia. He was married to the former Mary (MacGregor) of Dominion and they had two daughters Donna MacGregor and Linda Mary.

In 1934 Judge Crowe moved to Truro to practise law. In September, 1940 he was appointed Police Magistrate for District Number 5 and for the Magisterial District of the Province of Nova Scotia. Prior to that the Honourable Mr. Josiah H. MacQuarrie had appointed him a Justice of the Peace and a County Magistrate, which enabled him to hear cases in Truro and Stewiacke. In that capacity Judge Crowe heard about 400 cases in his first year. During his career, Judge Crowe presided over Court in most communities and shire towns in Nova Scotia. He played an active part in forming the Provincial Magistrates Association, and acted as President. He retired as Judge of the Provincial Magistrates Court on March 1, 1971.

Judge Crowe died on December 18, 1972.

JUDGE RICHARD JEFFREY FLINN

Richard Jeffrey Flinn was born in Halifax on February 7, 1902. He graduated from Dalhousie Law School in 1924 and he was admitted to the Bar of Nova Scotia on March 28, 1925. He practised law in Halifax with several partners from 1925-34 and in private practise from 1934-39. He married the former Mary Agatha Connors of Halifax. They had five sons: Richard Jeffrey, James Donald, James Walter, Edward John, Phillip Michael and four daughters: Jean Marie, Monica Claire, Mary Elizabeth and Margaret Agatha (Peggy).

Judge Flinn was appointed a Provincial Magistrate on September 16, 1940. He was appointed a King's Counsel on February 29, 1944. While on the Bench he heard the cases of hundreds of people who were charged as a result of the V-E day riots at the end of the Second World War. He retired in 1953 to become a member of the Board of Commissioners of Public Utilities for the Province of Nova Scotia and later became Vice-Chairman. He was very active in the community with the Knights of Columbus (Grand Knight 1942 – State Deputy, Nova Scotia 1947-49). He was Vice-Chairman of the Board of Directors of the Halifax Infirmary. He was also a Past-President of the Mayflower Curling Club and was the skip of the rink which represented Nova Scotia in the Briar of 1947. Judge Flinn died on September 9, 1961.

Judge William Daniel Outhit

A native of Parrsboro, William Outhit was born on July 18, 1905. He graduated from Dalhousie University with his Bachelor of Arts degree in 1926 and his Bachelor of Laws degree in 1928. He was admitted to the Bar on September 13, 1928. He practised law with the firm of Daley, Phinney and Outhit for twelve years before receiving his appointment as a Police Magistrate on September 16, 1940. He received his King's Counsel in 1950. Judge Outhit is twice married. There are three children of his first marriage to Jean Cumming of Halifax – William Cumming, Peter Allison and Stephen Andrew. He is presently married to Jean Mary Cornelius of Halifax.

The Honourable Josiah H. MacQuarrie appointed Mr. Outhit to serve as a Police Magistrate during the Second World War, if necessary. He was not called upon to exercise any of his judicial duties in the courtroom, but he did perform a number of administrative functions in the early 1940's. He served as Registrar of Probate for the District of Halifax from 1940-1950 and as a Member and subsequent Chairman of the Board of Commissioners of Public Utilities for the Province of Nova Scotia from 1950-1978.

Judge Royal Verne Read

Royal Verne Read was born on August 22, 1908, at Ymir, a small mining town in the West Kootenay, British Columbia. He studied at Dalhousie University where he graduated in 1939 with the degrees of Bachelor of Arts and Bachelor of Laws. He was admitted to the Bar of Nova Scotia on April 26, 1940. He articled and practised with the firms of Pearson, Rutledge and Donald in Halifax and with J. Ross Bryne in Liverpool. He was married to the former Constable B. Jost of Halifax and they had three sons and one daughter: Susan Isabel, Joseph Jost, Michael Arthur and Burton Charles.

On November 27, 1941 Judge Read was appointed Deputy Police Magistrate, for the Province of Nova Scotia, situate in Liverpool. On April 17, 1942 he was appointed Police Magistrate and received the designation Provincial Magistrate on June 23, 1947. Provincial Magistrate Read moved from Yarmouth to Sydney and remained there until 1953. In that year he moved to Calgary, Alberta, where he was appointed Senior Provincial Magistrate. He died August 8, 1975.

JUDGE JOHN SMITH MacIVOR

John Smith MacIvor was born in Glace Bay on March 27, 1913. He graduated from Dalhousie Law School in 1937 after receiving his Bachelor of Arts degree from Acadia University in 1934. He first practised law in North Sydney and approximately one year later moved to Sydney and joined in partnership with Allister Ross to form the law firm of MacIvor and Ross.

Judge MacIvor was appointed Cape Breton's first Provincial Magistrate on May 1, 1942. He resigned on September 19, 1945 to accept the Liberal nomination in the riding of Cape Breton South. He served thereafter as member of the Legislative Assembly both in the Cabinet and as Speaker of the House until he was defeated in 1956 after which he resumed the practise of law. On March 29, 1957 he received the appointment as Provincial Magistrate for Cape Breton Island for the second time.

Judge MacIvor died June 12, 1957. He was unmarried.

JUDGE CLINTON ROGER RAND

Clinton Roger Rand was born at Yarmouth on July 9, 1912. He began his studies at Acadia University and received his Bachelor of Arts degree in 1934. He graduated with his Bachelor of Laws degree from Dalhousie Law School in 1937. He was admitted to the Bar of Nova Scotia on February 8, 1938. He served with the Royal Canadian Army from 1940 to 1945 retiring with the rank of Captain. He married the former Gwenlyn Gillespie of New Glasgow. They have three children: Beverly Jane, Frederick James and Catherine Anne.

Judge Rand was appointed Provincial Magistrate on January 3, 1946. During his 30 years on the Bench he held Court in the counties of Shelburne, Yarmouth and Queens.

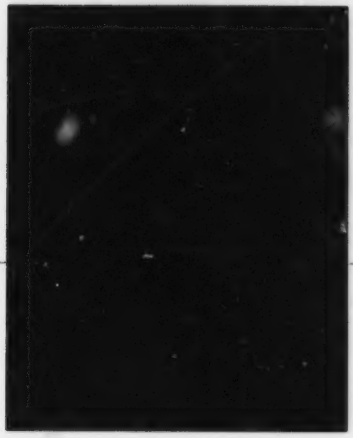
Judge Rand was very active in community affairs. He served as a Board Member for the YMCA for twenty years and was Past President of the Yarmouth Branch of the Navy League of Canada and the Yarmouth County Arena Association. He was also a Member of the Beacon United Church Board of Stewards. He was awarded the Queen's Coronation Medal in 1953, Queen's Counsel on December 27, 1957 and the Centennial Medal in 1967. He retired June 30, 1976 and now resides in Yarmouth.

Judge Parker Thomas Hickey

Parker Thomas Hickey was born in Halifax on April 3, 1901. He graduated from Dalhousie Law School with his Bachelor of Arts degree in 1923 and with his Bachelor of Laws degree in 1925. Judge Hickey was awarded gold D's at Dalhousie for his excellence in extra-curricular activities, athletics and for his literary skills as Editor of the Dalhousie Gazette. He articled with the firm of Pearson and Rutledge, Halifax. He was admitted to the Bar of Nova Scotia on November 12, 1927 and worked with the Montreal Trust Company in Toronto before returning to Halifax to enter private practise. He was appointed assistant Crown Prosecutor in 1939, and ten years later became Crown Prosecutor.

He was appointed Provincial Magistrate on July 14, 1950 and held Court in Halifax, Dartmouth, Bridgewater and Lunenburg. He was appointed Registrar of Probate in 1951.

Judge Hickey was married to Cape Breton native Jessie Dunford and they had one son, Paul. Judge Hickey was involved in community affairs and was an active Member of the Dalhousie Alumni. He died September 20, 1966.



JUDGE JOHN DONALD MACINTYRE

John Donald Macintyre was born at Sydney on November 13, 1895. He graduated from Dalhousie Law School in 1922 and was admitted to the Bar of Nova Scotia on August 4 of that year. He served with the 185th Battalion, Cape Breton Highlanders and the 24th Battalion Victoria Rifles of Canada in World War One. He was mentioned in dispatches several times and was awarded the Military Cross in the battle of Courcellette on August 27, 1918. In World War Two he was Commanding Officer of the 2nd Battalion of the Cape Breton Highlanders and later was in the Judge Advocate General Office in London, England.

Judge Macintyre married the former Frances MacGillivray of Sydney and they have one son, Ian. Judge Macintyre articled with James W. Madden and practised law in Antigonish for fifteen years. He accepted the appointment as Provincial Magistrate on January 25, 1951 and held Court in New Waterford, Sydney, Baddeck and Glace Bay until his retirement in 1956. He died August 4, 1966.

Judge William Ackley Richardson

William Ackley Richardson was born at Eureka in Pictou County on September 14, 1902. He received his Bachelor of Arts degree from Dalhousie University in 1924 and graduated with his Bachelor of Laws degree in 1927. He was admitted to the Bar of Nova Scotia on July 26, 1927. He married the former Janet Reid (Thompson) of Westville and they had two children William Campbell and Margaret Ann.

Judge Richardson was Stipendiary Magistrate for the towns of Westville, Stellarton and Pictou and he practised law while serving in these positions. On November 6, 1951 he received his appointment as a Provincial Magistrate. He held Court in New Glasgow, Stellarton, Pictou and Tatamagouche.

Judge Richardson attended the First Presbyterian Church and was Superintendent of the Sunday School. He was a well known athlete and was invited to try out for the New York Giants of the National Baseball League in 1924 but declined in favor of his legal studies. He articled in Middleton and practised in the Annapolis Valley until 1929. In 1930 he moved to Stellarton. He was appointed Queen's Counsel in January, 1957 and resigned as Provincial Magistrate on November 30, 1968. His death occurred on May 2, 1971.

JUDGE JOHN FERGUSON MCDONALD

John Ferguson McDonald was born at Glace Bay on March 25, 1910. He attended the Royal Military College in Kingston, Ontario and graduated from Dalhousie University with his Bachelor of Laws in 1938. He was called to the Bar of Nova Scotia on November 22nd of that year. He joined the Eastern Trust Company in Montreal until the outbreak of World War Two when he enlisted in the Infantry of the Canadian Army. He was wounded in the breakthrough from Belgium into Holland in 1944. After the war he went to Sydney to practise law and was associated with the firm of Nicholson and Whalley. He married the former Margaret Mina (Winter) of Montreal and they have two daughters, Lydia Marie and Mina Louise.

Judge McDonald was appointed to the Bench by the Honourable Malcolm Patterson on September 1, 1953. He held Court in Sydney and throughout Cape Breton until his retirement in 1978 and acted as a replacement Judge until 1986.

Judge Joseph Francis McManus

Joseph Francis McManus was born in Halifax on December 19, 1901. In 1924 he obtained his Bachelor of Arts degree from Saint Francis Xavier University and received his Bachelor of Laws from Dalhousie in 1927. He practised law in Halifax in the firm of Flinn and McManus. He was appointed City Assessor in 1936 replacing his father who had previously acted in that position. During the Second World War, Judge McManus was appointed by the Federal Government as Rent Controller with the Wartime Prices and Trade Board. After the war he served as Emergency Housing Administrator for the City of Halifax.

Judge McManus married the former Anna Charlotte (Lee) of Halifax and they had two sons, Charles Joseph and Kevin Francis. He served as an alderman for the City of Halifax and was a former President of the Union of Nova Scotia Municipalities. He was active in curling and was President of the Mayflower Curling Club. He was a former President of the Maritime Amateur Hockey Association and was a Member of the Knights of Columbus.

Judge McManus was appointed Provincial Magistrate on September 13, 1953. He held Court five days each week in Halifax Police Headquarters. He was appointed Queen's Counsel December 28, 1956. Judge McManus died May 15, 1961.

Judge Duncan John Chisholm

Duncan John Chisholm was born in Heatherton, Antigonish County on July 20, 1910. He attended Saint Francis Xavier University and graduated from Dalhousie with his law degree in 1947. He was admitted to the Bar of Nova Scotia on April 29, 1947. He practised law in Antigonish from 1947-50 and was solicitor for the Department of Mines from 1950-52. He joined the army in World War Two as a private and was honorably discharged at the end of the war with the rank of Captain.

Judge Chisholm married the former Constance Geraldine (MacDonald) of Antigonish. They have seven children: Duncan John, William Joseph, Lillian Geraldine, Peter Andrew, Alexander Thomas, Lois Isabel, Jean Marie. Judge Chisholm's main concerns were his family and their education and the law. All seven children attended University and two are lawyers. He was appointed Provincial Magistrate on October 1, 1953 and held Court in Antigonish, Guysborough, Richmond and Inverness Counties. He retired in February, 1980. Judge Chisholm died on October 27, 1987.

JUDGE MARTIN D. HALEY

Martin D. Haley was born on October 9th, 1916 at Sydney Mines, Nova Scotia. He attended Saint Francis Xavier University where he received his Bachelor of Arts degree. Subsequently he served overseas with the Artillery in the Canadian Army during World War II and was discharged with the rank of Captain. He went to law school at Dalhousie as a student veteran and graduated with his Bachelor of Laws degree in 1947. Judge Haley was called to the Bar of Nova Scotia on August 20th, 1947. He entered the Masters Programme at Dalhousie and received his Masters of Law degree in 1952. His Masters thesis is entitled ***Basis For Judicial Intervention in the Internal Affairs of a Union***. Judge Haley was appointed a Provincial Magistrate on March 21st, 1956 and until his retirement in October, 1980, held Court in Dartmouth, Nova Scotia.

Judge Haley is married to Mary Marguerite (MacDonald) a sister-in-law of Judge Duncan Chisholm of Antigonish and they have five daughters: Anne; Lois; Lynn; Jean and Irene.

JUDGE RONALD JOSEPH MACDONALD

Ronald Joseph Macdonald was born at North Sydney on March 15, 1902. He received his Bachelor of Arts degree from Saint Francis Xavier University in 1924. He taught school at various places for five years before entering Dalhousie Law School. He graduated with his Bachelor of Laws degree in 1931 and was admitted to the Bar of Nova Scotia on May 15, 1931. He practised law in North Sydney with his father Joseph Macdonald, Q.C. and they were later joined by his brother John M. Macdonald. In July, 1942 Judge Macdonald was appointed Stipendiary Magistrate for North Sydney.

In 1948 he married Hilda (Young) of North Sydney. There are no children of the marriage.

Judge Macdonald continued his practise until June 1, 1959 when he accepted the appointment as a Provincial Magistrate. He retired in 1972 and worked as a replacement Judge for many years thereafter. His hobbies are gardening and photography and he is noted as a humorist.

In 1965, the Family Court was set up in Cape Breton as a pilot project. The first Judges appointed to that Court were the three Provincial Magistrates in Cape Breton, namely: Judge W.A.D. Gunn, Judge John F. MacDonald and Judge R.J. Macdonald.

Chief Judge Nathan Green

Nathan Green was born in Glace Bay on February 13, 1913. He attended Dalhousie University and and received his Bachelor of Arts degree in 1934 and his Bachelor of Laws degree in 1936. He was called to the Bar of Nova Scotia on December 7, 1936 and practised law as a sole practitioner. He married the former Pinnie Rosenhek of Campbellton, New Brunswick. They have two children: Keile Rochale and David Samuel.

Judge Green received his appointment as Provincial Magistrate on September 14, 1959 and was appointed the First Chief Judge of the Court on January 1, 1981. He served widely in labour matters as a conciliator, mediator, arbitrator and Industrial Inquiry Commissioner including a Public Inquiry into the Police Act and police regulations for the Province of Nova Scotia. He was also a Charter Member of the Society of Professionals in Dispute Resolution. He was Chairman of the Royal Commission on Forestry and President of the Halifax Memorial Library Board. He was involved in the arts, charity and the law. He was active in the Atlantic Jewish Community, and was a President and founding Member of the Shaar Shalom Congregation. Chief Judge Green died in Halifax, October 13, 1982.

JUDGE WILLIAM ALEXANDER DOUGLAS GUNN

William Alexander Gunn was born at Sydney on March 29, 1902. He attended Dalhousie University and graduated with the degrees of Bachelor of Arts in 1922, Master of Arts in 1924 and Bachelor of Laws in 1925. On May 13, 1925 he was admitted to the Bar of Nova Scotia and practised law in Sydney.

Judge Gunn enlisted at the outbreak of the Second World War. He commanded "B" company, Cape Breton Highlanders. He served with the Judge Advocate General's Branch at Canadian Military Headquarters in London; with the Allied Forces Headquarters in Italy and the 21st Army Group in Germany. He was honorably discharged with the rank of Major. He married the former Mary Katherine (McNeil) of New Waterford and they had one daughter Heather Jane.

Judge Gunn returned to his law practise in Sydney and was appointed Provincial Magistrate on October 12, 1960. He was transferred from Sydney to Halifax in 1971. He was appointed Chairman of the Law Reform Advisory Commission and in 1975 Chairman of the Advisory Committee on Legal Aid. He retired in 1976 and served for several years as a replacement Judge.

Judge Charles Thomas LeBrun

Charles Thomas LeBrun was born in Grand Etang, Inverness County on May 20, 1907. He attended the University of King's College and Dalhousie University graduating with his Bachelor of Laws degree in 1930. Judge LeBrun was admitted to the Bar of Nova Scotia on December 13, 1932 and practised law in Bridgetown for 28 years. He received his Queen's Counsel on December 31, 1956. He was appointed Provincial Magistrate on March 1, 1961. Judge LeBrun is twice married: to the former Violet Claire Gillis of West Dalhousie, Annapolis of which there were two children: Jeanette Elaine and C. Thomas; and to Helena Islip of Manchester, England.

Judge LeBrun was the first President of the Provincial Magistrates Association. He was active in community affairs and served as Councillor and as Mayor of the Town of Annapolis. He is a freemason and was very active in the Annapolis District Council of Boy Scouts of Canada. He was former Crown Prosecutor for Annapolis County for five years prior to his appointment to the Bench. He retired on June 30, 1976.

JUDGE ERIC DAVID MURRAY

Eric Murray was born in Halifax on May 15, 1911. He attended Dalhousie University where he received his Bachelor of Arts degree in 1933 and his Bachelor of Laws degree in 1935. He was admitted to the Bar of Nova Scotia on July 14, 1936. He practised law in Halifax in association with R. Douglas Graham, K.C. until August, 1940 when he enlisted in the Canadian Army. He joined the artillery and served as a Lieutenant with the 14th Anti-Aircraft Battery until 1941. Thereafter he served as legal officer in various postings in the Maritimes and Ottawa. He was discharged with the rank of Staff Captain in May, 1946.

Judge Murray returned to Halifax and continued the practise of law until he was appointed Provincial Magistrate and Stipendiary Magistrate for the City of Halifax on March 14, 1962. He was the last person to be sworn to this dual post. On September 30, 1976 Judge Murray retired, but acted as a replacement Judge for several years thereafter.

Judge Murray married Irene Winnifred (Hartley) of Hazel Hill, Nova Scotia and they have two sons: Ian David and Robert Bruce.

Judge Murray died October 6, 1988.

JUDGE HIRAM JOSEPH CARVER

Hiram Joseph Carver was born at Bridgewater, Nova Scotia on February 17th, 1930. He attended Acadia University and Dalhousie Law School and received his Bachelor of Laws degree in 1953. He was called to the Bar of Nova Scotia on February 5th, 1954, and practised law at New Germany until he was appointed to the Bench on August 1st, 1963. Judge Carver is married to Ruth Sadie (Getson) and they have three children: Janet, Ernest and Mary Anne. He sits at Bridgewater and Liverpool.

Judge Carver implemented the first community service program in Nova Scotia and was responsible for improved administration in the Provincial Court. He is active in the Canadian Association of Provincial Court Judges and presided over the National Committee on Judicial Independence. He is a former President of the Provincial Judges Association of Nova Scotia. He is presently Chairman of the Courthouse Advisory Board.

JUDGE THOMAS AUGUSTUS GILES

Thomas Augustus Giles was born at Victoria, Cumberland County, on November 23, 1916. He attended Normal College at Truro and also Saint Francis Xavier University. He graduated from Dalhousie University with his Bachelor of Laws degree in 1948 and was admitted to the Bar on August 14, 1948. During the second World War he served in North-West Europe with the Canadian Armed Forces and the British 5th Brigade – 6th Airborne Division. He made operational jumps into German held territory during the Battle of the Bulge and Rhine Crossing. He was honourably discharged with the rank of Captain.

Judge Giles was twice married and by the first marriage had two children Theresa and David. His second marriage was to Sylvia Bowser of Sussex and they had one child, Tricia. Judge Giles articled with W.N. Wickwire, K.C. of the firm of Godfrey and Wickwire of Halifax. He first practised at Oxford, Nova Scotia and in 1954 moved to Amherst where he continued in the practise of law. He was a Member of the Legislature from 1949-53.

Judge Giles was appointed to the Bench on March 1, 1967 and held Court at Amherst. He died at Antigonish on October 23, 1970.

JUDGE ROY EDWARD KIMBALL

Roy Edward Kimball was born in Saint John, New Brunswick on August 21, 1930. He received his Bachelor of Arts degree from the University of King's College in 1960 and his Bachelor of Laws degree from Dalhousie University the same year. He was called to the Bar on December 3, 1960 and practised law in Windsor, Nova Scotia. He was appointed to the Bench on May 4, 1967 and sits in Windsor and Kentville. In 1987 Judge Kimball was awarded his Masters of Laws degree from Dalhousie. He was the first recipient of the degree in the part-time Masters programme. His thesis is entitled *The Provincial Court of Nova Scotia: The Struggle for Excellence.*

While at Law School Judge Kimball was President of the Dalhousie Law Society and for three summers was a laborer/teacher with Frontier College. He is a former President of the Provincial Judges Association of Nova Scotia. He was a founding Member of the West Hants Historical Society and is active in music and in sports administration in the province. He is married to Carol Jane (McCurdy) of Truro and they have three sons: Robert Andrew, David Burns and Ian Eugene.

JUDGE HERBERT FORBES GRANT

Herbert Forbes Grant was born in New Glasgow on February 7, 1909. He received his Bachelor of Arts degree from Mount Allison University in 1931 and his Bachelor of Laws degree from Dalhousie University in 1934. He was called to the Bar on December 4, 1935 and practised law in New Glasgow. He worked with the Eastern Trust Company in Halifax and New Glasgow. He is married to Olga (Forbes) of New Glasgow and they have four children: Jean Anne, Nancy Forbes, Olga Elizabeth and Peter John.

In 1958 Judge Grant was appointed Nova Scotia Registrar of Joint Stock Companies and Registrar under the Securities Act. He was appointed Chief Electoral Officer for the province and was serving in these three positions when he was elevated to the Bench on December 1, 1968.

He served on the Board of the Aberdeen Hospital in New Glasgow and also served as Chairman. He was also a founding Member of the Pictou County Regional Library.

He was President of the Provincial Judges Association of Nova Scotia in 1971-72. He retired March 29, 1977 but acted as a replacement Judge for many years.

JUDGE HOWARD RUSSELL MACEWAN

Howard Russell MacEwan was born at Westville, Pictou County, on May 28, 1925. He attended Mount Allison University and received his Bachelor of Arts degree in 1945. He graduated with his Bachelor of Laws degree from Dalhousie University in 1948. He was called to the Bar of Nova Scotia on November 16, 1948 and practised law in New Glasgow and Westville in the firm of MacDonnell and MacEwan.

Judge MacEwan married the former Joan Andrella (MacDonald) of Pictou Island. He was President of the Student Union at Mount Allison in 1944-45. He was Member of Parliament for the constituency of Pictou, 1957-1968 and for Central Nova, 1968-1971. Judge MacEwan's great-grandfather, grandfather and father were coal miners at Westville. His father and grandfather became managers of the Drummond colliery at Westville. Judge MacEwan worked in the mines to finance his university education. He was the first in his family to attend university. He was appointed to the Bench on January 18, 1971 and sits in New Glasgow.

JUDGE JOHN CHARLES O'CONNELL

John Charles O'Connell was born at Sydney, Nova Scotia on March 24, 1919. He received his Bachelor of Arts degree from Saint Francis Xavier University in 1941 and his Bachelor of Laws degree from Dalhousie University in 1944. He was called to the Bar on May 3, 1946 and practised law at Sydney as a sole practitioner from 1946-1971. He received his Queen's Counsel on December 20, 1966.

Judge O'Connell married the former Grace Florence (Moreshead) of Sydney River and they have three daughters Maureen, Sharon and Karen and one son Daniel. During World War Two, Judge O'Connell joined the R.C.N.V.R. in 1944 and sailed in the North Atlantic out of Halifax until the end of the war. He graduated from Saint Francis Xavier *magna cum laude*. He was Chairman of the Board of Referees of the Unemployment Insurance Commission and a labour arbitrator for many years. He received a gold "D" while at Dalhousie for extra-curricular activities.

Judge O'Connell was appointed to the Bench on March 21, 1971 and holds Court in Sydney, Nova Scotia.

JUDGE CHARLES WITTER ARCHIBALD

Charles Witter Archibald was born at Halifax on May 4, 1928. He studied at Dalhousie University and received his Bachelor of Commerce in 1949 and received his Bachelor of Laws degree in 1952. He was admitted to the Bar of Nova Scotia on November 4, 1952 and the Ontario Bar in 1953. He was employed with Waterloo Trust and Savings Company in Kitchener, Ontario until 1954. He then practised law in Amherst, Nova Scotia with Judge Thomas A. Giles in the firm of Giles and Archibald. In 1957 he practised in Truro in the firm of Nichols and Archibald and later as a sole practitioner and Registrar of Probate. In 1959 he was appointed Crown Prosecutor. He received his Queen's Counsel in 1967.

Judge Archibald married Francis Claire (Dunn) of Magdeline Islands and they have three sons, James, Scott and Gregor. Judge Archibald lives at 86 Queen Street in the same home that his great-grandfather Charles B. Archibald built in 1850. Judge Archibald's great-grandfather was also the first Mayor of the incorporated Town of Truro in 1875.

Judge Archibald was appointed to the Bench on May 13, 1971. He holds Court in Truro.

JUDGE SANDRA ELLEN OXNER

Sandra Ellen Oxner was born in Halifax on October 3, 1941. She graduated from the University of King's College in 1961 with her Bachelor of Arts degree and from Dalhousie University with her Bachelor of Laws degree in 1965. She was called to the Bar of Nova Scotia on December 7, 1965 and practised law from 1965-1971. She was appointed to the Bench on May 28, 1971.

Judge Oxner is married to Donald Percy Keddy of Halifax. She has been President of the Canadian Association of Provincial Court Judges, President of the Canadian Institute for the Administration of Justice and was a founding Governor of the Canadian Institute for Advanced Legal Studies. She is currently vice president of the Commonwealth Magistrates' Association and National Chairman of the Royal Commonwealth Society. She initiated the "new judges" programme. She was also the criminal law consultant for the Law Reform Commission of Canada. In 1982 Judge Oxner was the recipient of the Mohr/Culis Lecture-Fellowship and was named a 1988 Commonwealth Fellow. She was an invited speaker before the judicial committee of the United States Senate. She has published, both as editor and author, several books and articles on legal and legal-historical issues. Judge Oxner holds Court in Halifax.

JUDGE MICHAEL LEO MCINTYRE

Michael Leo McIntyre was born at Glace Bay on November 7, 1914. He received his Bachelor of Arts degree from Saint Francis Xavier University in 1939 and his Bachelor of Laws degree from Dalhousie University in 1950. He was admitted to the Bar of Nova Scotia on September 19, 1950 and practised law in Glace Bay.

Judge McIntyre is married to Mary Lenore (Kennedy) of Antigonish and they have four children: Michael Donald, Ronald Francis, David Allan and Mary Rose.

In 1940 Judge McIntyre enlisted in the Cape Breton Highlanders and served with the Canadian Army active force in Canada, England, Italy and Northwest Europe. He was honorably discharged at Halifax in 1946 with the rank of Captain. He was awarded the CVSM with clasp and Commander in Chief's Certificate. He received his Queen's Counsel in 1967. Judge McIntyre has contributed substantially to community life and community affairs in Glace Bay and throughout Cape Breton. He is a noted and talented public speaker.

Judge McIntyre was appointed to the Bench on December 21, 1971. During his term as a Judge he held Court in Port Hawkesbury. He retired in June, 1985.

JUDGE GEORGE ROLAND LEVATTE

George Roland LeVatte was born in Sydney on January 17, 1925. He graduated from Saint Francis Xavier University with his Bachelor of Arts degree in 1950 and from Dalhousie University with his Bachelor of Laws degree in 1958. He was called to the Bar of Nova Scotia on August 1, 1958. He practised law with the firm of Gunn and Gunn in Sydney after which he practised law as a sole practitioner until he was appointed to the Bench.

He married the former Helen Margaret (Campbell) of Sydney and they have three children: Georgette, Roderick and Paul.

Judge LeVatte was appointed to the Court on March 28, 1972. In community life he was an active volunteer. In 1980-81 he was President of the Provincial Judges Association of Nova Scotia. He was Cape Breton President of the Canadian Mental Health Association and National President during 1979-80. He was recognized for his work as a volunteer in 1982 when he received the Volunteer Association Award.

Judge LeVatte holds Court in Glace Bay.

Judge John Richard Nichols

John Richard Nichols was born in Halifax on August 16, 1932. He graduated from Dalhousie University with his Bachelor of Arts degree in 1955 and his Bachelor of Laws degree in 1957. He articled with the Honourable Judge Peter Nicholson and Roy A. Laurence of Annapolis Royal and practised in Digby until his appointment to the Provincial Court on November 14, 1972.

Judge Nichols is married to Kathleen (Kiki) Jane McKean (Houghton) of Ottawa and they have three children: Michael Fraser Bond, Allison Margaret Houghton and Brian Richard Cluny.

While at Dalhousie Judge Nichols received a Gold 'D' and six engravings for extra curricular activities. He was valedictorian for the graduating class of 1957. He was also a member of the Dal Purdy Cup Maritime University Canadian Football Championship teams in 1951 and 1954. For three summers he was a labourer/teacher and supervisor with Frontier College.

Judge Nichols is a past president of the Nova Scotia Lung Association; the founding President of the Digby Historical Society and President of the Digby Swimming Association. He is also involved in the restoration and preservation of the Court House in Digby.

Judge Nichols holds Court at Digby, Annapolis Royal and Little Brook.

JUDGE PHILLIP RAYMOND WOOLAVER

Phillip Raymond Woolaver was born in Hantsport on October 15, 1925. He studied pre-law at Acadia University and graduated in law from Dalhousie University in 1952. He was admitted to the Bar of Nova Scotia on September 5, 1952. He articled with the late Premier G.I. Smith and practised law in Digby as a sole practitioner from 1952 to November 15, 1972 when he was appointed to the Bench. He was made Queen's Counsel in 1970.

He married Shirley Johnston (Hamilton) of Minasville, Hants County, Nova Scotia and they have four children: Pearl Dorion, Lance Woolaver, Max Woolaver and George Woolaver.

In 1941 Judge Woolaver served as a galley boy in the British Merchant Marine under the late Captain John W. Mildrum of Windsor, N.S., sailing from Nova Scotia to New York, Cuba, Trinidad and British Guyana. During the Second World War Judge Woolaver served as a navigator in the Royal Canadian Air Force with bomber command overseas.

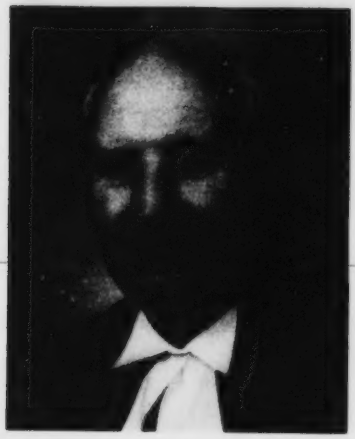
Judge Woolaver holds Court in Southwestern Nova Scotia.

JUDGE GEORGE HUGHES RANDALL

George Hughes Randall was born at Halifax on August 1, 1937. He received his Bachelor of Arts degree from Saint Mary's University in 1957 and Bachelor of Laws degree from Dalhousie University in 1960. He articled with the firm of Coffin, Blois and Hicks in Halifax and was called to the Bar of Nova Scotia in February 1961. In August 1962, he joined the firm of Pace and MacIntosh and practised law in Halifax. Thereafter he was solicitor for the Nova Scotia Hospital Commission and the Industrial Development Bank. On August 1, 1969 Judge Randall formed a partnership with the firm of Paton, Paton and Randall and in 1973 entered in partnership in the firm of Randall, McNeil and Church. He continued his practise until he was appointed to the Bench.

Judge Randall is married to Sheila Margaret (Horne) of Eastern Passage and they have two children: Jennifer Marie and Sean Michael.

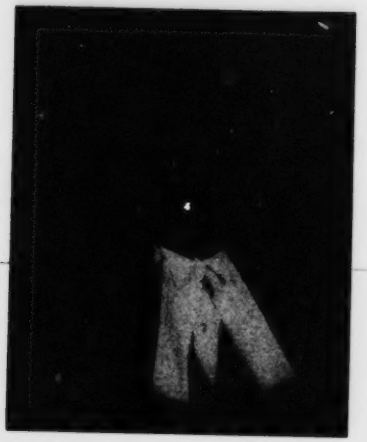
Judge Randall is active in community affairs. He is a former Member of the Board of Governors of St. Mary's University and has been a Member of the Centennial Rink Commission since 1977. He has served as President of the Provincial Judges Association of Nova Scotia. He was appointed to the Bench on July 1, 1974 and holds Court in Halifax.



JUDGE KENNETH LEE CROWELL

Kenneth Lee Crowell was born at Bridgetown, Nova Scotia on October 10, 1929, a son of County Court Judge K.L. Crowell. He received his Bachelor of Arts from Acadia University in 1951, and graduated with his Bachelor of Laws in 1954. Judge Crowell was called to the Bar on November 2, 1954, and practised law at Middleton until his appointment to the Court on September 2, 1975. He was designated Queen's Counsel on December 31, 1970. In High School he was President of the Student Council, and at Acadia he received letters in Hockey, Track, Soccer, Drama and Band, was President of AAAA and a Life Class Officer.

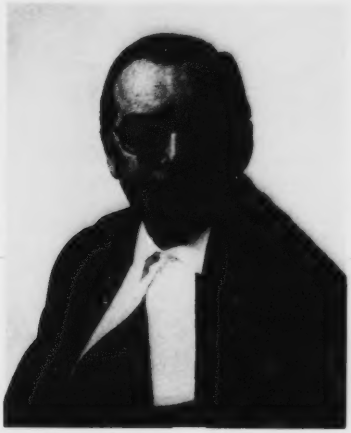
Judge Crowell is married to Avis Eleanor (Bent) of Bridgetown, they have three children: Kenneth Lee, Raymond Bryson, Michelle Anderson. He was Mayor of the Town of Middleton, and Past President of many organizations, including the Provincial Judges' Association, the Rotary Club, Board of Trade, and the Apple Blossom Festival. He is a life Trustee of St. John's United Church. In 1982 he was elected President of the Canadian Association of Provincial Court Judges, and a Counsel Member of the Commonwealth Magistrates and Judges Association.



JUDGE JOHN ALEXANDER MACLELLAN

John Alexander MacLellan was born in New Glasgow on January 15, 1933. He attended Acadia University and graduated with a Bachelor of Arts degree in 1961, having first received his Bachelor of Laws degree from Dalhousie University in 1960. He was called to the Bar of Nova Scotia on June 16, 1961 and practised law in Kentville with the firm of Taylor, MacLellan and Cochrane. He continued in practise until his appointment to the Bench on November 8, 1976. Judge MacLellan is married to Elizabeth June (MacKay) of New Glasgow, Nova Scotia and they have three children: Donald Gregory, Scott Alexander and Elizabeth Jill.

Judge MacLellan is a lecturer in Business Law in the School of Business at Acadia University. At the time of his appointment to the Court he was a Nova Scotia Representative to the Uniform Law Conference of Canada. He is a Past President of the Nova Scotia Judges' Association. Also active in community affairs he is a Past President of Family and Children's Services of Kings County and the Kinsmen Club of Kentville. Judge MacLellan presides in Kings and Hants County in the Annapolis Valley of Nova Scotia.



JUDGE REGINALD BRIAN KIMBALL

Reginald Brian Kimball was born on July 11, 1934 at Havelock, Digby County, N.S. He graduated from Carleton County Vocational School at Woodstock in 1951. Following a year's employment with the Bank of Montreal, he enlisted in the RCAF in 1952 as a Flight Cadet receiving his Air Navigator Wings and the Queen's Commission with the rank of Pilot Officer in 1953. Completing his military tour of duty in 1958, he began first-year studies at Dalhousie University in the affiliated program, obtaining his Bachelor of Commerce in 1962 and Bachelor of Laws in 1964.

Articled to J. Stewart Drury, Q.C. of Dartmouth, Judge Kimball was called to the Bar on February 2, 1965. In 1966 he became a partner in the firm of Drury, Huestis, Anderson, Dickie and Kimball and continued in practice with that firm until he was appointed to the Bench on March 15, 1977.

Married on September 28, 1960 at Blackville, N.B., to Elizabeth June (Underhill) they have three children: Paul Andres, James Frank and Sharon Elizabeth.

Judge Kimball presides over the Dartmouth City Court.

Judge David Edgar Cole

David Edgar Cole was born in Amherst, Nova Scotia on September 7, 1943. He graduated from Acadia University in 1964 with his Bachelor of Arts degree and from Dalhousie University with his Bachelor of Laws degree in 1967. He articled with Clair Hicks of the firm of Hicks and LeMoine, Amherst and was called to the Bar of Nova Scotia on December 19, 1967. He practised thereafter as a sole practitioner until 1975 and from 1975 to 1977 he was in partnership in Amherst in the firm Milner, Cole and Milner.

Judge Cole married Valerie Joy (Galley) of St. Croix, Hants County, Nova Scotia and they have two children: Lisa Danielle and Gillian Clair. He is a landscape artist and an ardent fly fisherman, fly tier and gardener. He is active in community affairs and a Board Member on several organizations. He is an active Member of Christ Church (Anglican) Amherst.

Judge Cole was appointed to the Bench on March 15, 1977 and sits in Cumberland County.

JUDGE ROBERT JARDINE MCCLEAVE

Robert Jardine McCleave was born in Moncton, New Brunswick, on December 19, 1922. He graduated from Dalhousie University with his B.A. in 1943 and his LL.B. in 1946. He was Editor of the Dalhousie Gazette and President of Sodales, the University's Debating Society. He practised law from his call to the Bar April 28, 1950 with Stewart, Smith, MacKeen, Covert, Rogers, Sperry & Cowan until 1954. He was in private practise until his appointment to the Bench in December, 1977, in combination with journalistic and parliamentary careers. He received his Queen's Counsel in January, 1968, and the honorary degree of Doctor of Civil Laws from the University of King's College in 1974.

Judge McCleave is twice married. There are five children of his first marriage to a classmate, the late Ruth Loughead (James) of Halifax – Christine Mary, Nichola Ruth, Melissa Hope, Robert James and Sarah Yuill. He is presently married to Sylvia Swan.

He was a Member of Parliament from 1957 to 1963 and from 1965 to 1977, and was the first Deputy Speaker selected from opposition ranks in 60 years. As a Provincial Court Judge he sat mainly in Halifax, and at Shubenacadie before retiring on his 65th birthday.

JUDGE STANLEY DAVID CAMPBELL

Stanley David Campbell was born at Sydney, Nova Scotia on March 14, 1940. He graduated from Saint Francis Xavier University with his Bachelor of Arts degree in 1961 and from Dalhousie University with his Bachelor of Laws degree in 1964. He articled with the firm of Burchell, Smith, Jost and Chisholm in Halifax and was admitted to the Bar of Nova Scotia on March 2, 1965.

Judge Campbell is married to Margaret Emma (Cash) of Irish Cove, Cape Breton and they have two children: Thomas Charles and Catherine Mary. He practised law in Sydney and was a partner in the firm Burchill, Sullivan, Smith and Campbell from 1965 to 1974. He was Crown Prosecutor for Cape Breton County from 1974-1978 and Chief Prosecutor from 1977-1978. He was appointed to the Bench on October 1, 1978 and sits in North Sydney.

JUDGE JOSEPH PHILLIP KENNEDY

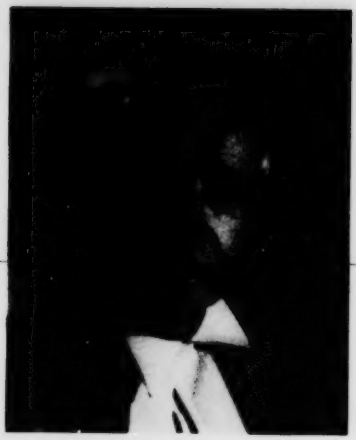
Joseph Phillip Kennedy was born at Waverley, Nova Scotia on April 20, 1945. He attended St. Mary's University and received his Bachelor of Arts degree in 1965 and Dalhousie Law School where he received his Bachelor of Laws degree in 1968. Judge Kennedy articled with Leonard L. Pace in the firm of Pace, MacIntosh in Halifax. He was called to the Bar on January 3, 1969. He practised law in the firm of Kenny, Theakston, Kennedy and Allen from 1969 until September 18, 1978 when he was appointed to the Bench of the Provincial Court. He holds Court in Lunenburg County in the Towns of Bridgewater and Lunenburg.

Judge Kennedy is married to Helen Gemma (MacDonald) of Sydney, Nova Scotia and they have two children: Joseph Phillip and Megan Annastacia. During his years at the practise of law Judge Kennedy served as Federal Crown Prosecutor for the South Shore of Nova Scotia. He is active in community affairs and is a public speaker of considerable note and importance throughout Nova Scotia.

JUDGE HARVEY ALFRED VENIOT

Harvey Alfred Veniot was born at Pictou, Nova Scotia on November 18, 1915. He graduated from Saint Francis Xavier University in 1935 with his Bachelor of Arts degree and from Dalhousie Law School in 1939 with his Bachelor of Laws degree. He was admitted to the Bar of Nova Scotia on March 5, 1940. He practised law as a sole practitioner from 1940 to 1978. He is married to Rhoda Marion (MacLeod) of Montague, Prince Edward Island and they have two children: James Stewart and Susan Mary.

During his second year at Dalhousie University, Judge Veniot represented the Law School as an exchange student at the Saskatchewan Law School. He played Varsity Hockey, Football and Track. He served on the Pictou Town Council. He was elected to the Nova Scotia Legislature and was Speaker of the House of Assembly for seven years. He was also a former Minister of Agriculture and former Minister of Municipal Affairs. He was appointed to the Bench on January 1, 1979 and sat at Pictou, New Glasgow and Antigonish. He retired December 31, 1986.

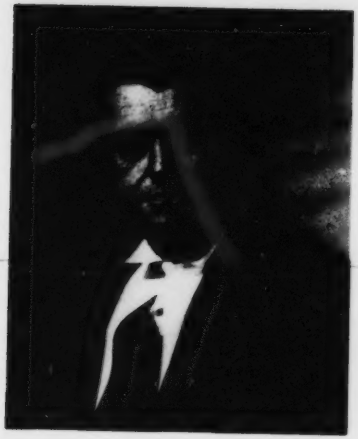


JUDGE ELMER JOSEPH MACDONALD

Elmer Joseph MacDonald is a native of New Waterford, Cape Breton. He was born March 27, 1931. Judge MacDonald received his Bachelor of Arts degree from University of King's College in 1952 and his Bachelor of Laws Degree from Dalhousie University in 1955. He was called to the Bar of Nova Scotia on March 6, 1956. Judge MacDonald was Assistant Crown Prosecutor for the Province of Nova Scotia from 1958 to 1967 and Crown Prosecutor from 1967 to 1980.

Judge MacDonald is married to Margaret (Butler) of Sydney, Nova Scotia and they have two children: Anne Marie and Shauna Lynn. Judge MacDonald is an accomplished pianist. He is a former President of the Provincial Judges Association, 1985-86.

Judge MacDonald was appointed to the Bench on February 15, 1980 and for the first eight years of his judicial career held Court in Dartmouth, Nova Scotia. He now holds Court in Halifax.



JUDGE DONALD LEWIS MATHESON

Donald Lewis Matheson was born in North Sydney on August 7, 1933. He attended Acadia University and received his Bachelor of Arts degree in 1955. He received his Bachelor of Laws degree from Dalhousie University in 1959. On December 1, 1959 Judge Matheson was called to the Bar of Nova Scotia. He articled in Sydney with the firm of MacNeil and Coburn. He practised law in the firm of MacLellan, Burchell and Sullivan from 1960 to 1962 and in the firm of Matheson and Ferguson from 1962 to 1964. In 1964 he became an Assistant Crown Prosecutor for the Province of Nova Scotia and retained that position until he was appointed to the Bench. He also held the position of Registrar of Probate for Cape Breton County, from 1969 to 1973.

Judge Matheson is married to Kathleen Margaret (Campbell) of Sydney and they have three children: Angus George, Jennifer Susan, and Robert Andrew Dartt. Judge Matheson is interested in fishing and reading. He is an elder in Bethel Presbyterian Church in Sydney, Chairman of the Board of Directors of the Hardwood Hill Cemetry Corporation and a Member of the Boards of the Bairncroft Orphanage and the Cove Guest Home. Judge Matheson was appointed to the Bench on April 15, 1980 and sits at Port Hawkesbury and New Waterford.

JUDGE WILLIAM JOHN CARRUTHERS ATTON

William John Carruthers Atton is a native of Cut Knife, Saskatchewan and was born May 23, 1926. He graduated from Dalhousie Law School with his Bachelor of Laws degree in 1962. He was called to the Bar of Nova Scotia on November 2, 1962, and practised law as a sole practitioner from 1962 until 1966. He was appointed Queen's Counsel in 1978. He was Registrar of Probate for Halifax County from 1966 to 1980, and was an assistant Crown Prosecutor for the Province of Nova Scotia from 1963 until June 30, 1980, when he received his appointment to the Provincial Court.

Judge Atton is married to Florence Janet (Doucette) of Dartmouth. Judge Atton has eight children: Sharron Marie, Lynn Maureen, Patrick William, Michael Frederick, Rexx Alan, James Fulton, Daniel John, Shawn Errol, and five step-children: Patricia Ann, Donald Patrick, Janet Colleen, Maureen Elizabeth, Kelly Marie.

Judge Atton was a member of the Royal Canadian Army during the Second World War. After he was discharged he joined the Royal Canadian Navy, Air Branch, and served in the Navy until 1957 when he received a medical discharge after contracting polio.

Judge Atton's hobbies are trap shooting and flying light aircraft.

JUDGE PATRICK HOWARD CURRAN

Patrick Howard Curran was born in Quebec City on April 30 1945. He received his Bachelor of Arts degree from St. Mary's University in 1965 and his Bachelor of Education degree from St. Mary's in 1966. He graduated from Dalhousie Law School with his Bachelor of Laws degree in 1970. He was called to the Bar on December 4, 1970. He articled with the Law Department at Halifax City Hall and practised law in Truro, with the firm of Patterson, Smith, Matthews and Grant as well as with Nova Scotia Legal Aid in Halifax and was a Member of the firm of Innes, Matheson and Curran in Bedford. On August 1, 1981 he was appointed to the Court. Judge Curran is married to Janet Marie (Hamm) of Halifax and they have three children Kelly Christine; Patrick Joseph; and Kevin Patrick.

While at Law School Judge Curran was a recipient of a Sir James Dunn Scholarship and he was Student President of the Dalhousie Law School. He is also active in music, sports, church and community affairs. Judge Curran sits mainly in Bedford.

JUDGE RONALD ANGUS MACDONALD

Ronald Angus MacDonald was born in Antigonish, Nova Scotia on August 13, 1939. He attended Saint Francis Xavier University and obtained his Bachelor of Arts degree in 1960. He obtained his Bachelor of Laws degree from Dalhousie University in 1969. Judge MacDonald was called to the Bar on February 3, 1970 and practised with the firm of Richard and MacDonald in Antigonish from 1969 to 1976 and thereafter as a sole practitioner from 1976 to 1981. He is married to Janet Eva (Shea) of Guysborough, Nova Scotia. He was appointed a Judge of the Provincial Magistrates Court on September 1, 1981.

Judge MacDonald has five children: Christine Marie, Rosalyn Jean, Heather Anne, Iain Charles, Sarah Maureen. While at Saint Francis Xavier University Judge MacDonald was a Member of the track and field team. He is a pianist and active in musical theatre and in community affairs. He is active in and was Commissioner of the Clan Donald Society in 1979. Judge MacDonald sits in Antigonish, Nova Scotia.

Chief Judge Henry Walter How

Henry (Harry) Walter How was born at Annapolis Royal, Nova Scotia on September 29, 1920. In 1942, he received the degree of B.Sc. in Arts from the University of New Brunswick and following three years of service with the R.C.A.F., he returned to U.N.B., and graduated in April 1947 with a Bachelor of Civil Laws degree.

Judge How was admitted to the Bar of New Brunswick but decided to return to Nova Scotia where he was admitted to the Bar of Nova Scotia on July 15, 1947. Following his admission he practised law in Annapolis Royal and then joined the late George C. Nowlan, K.C. in practise in Wolfville.

In 1952 he left Nova Scotia and joined California Standard Oil of Calgary. In 1959 Judge How returned to Wolfville, where he practised through the 60's and 70's.

In October 1970 Judge How was elected to the Nova Scotia Legislature as the Progressive Conservative Member for Kings South.

Judge How served as Attorney General and Provincial Secretary for five years. In November 1983 he accepted the appointment to the Provincial Court as Chief Judge. Judge How is married to the former Juanita Patricia Morgan and they have two children: Patricia MacDonald and Lewis How.

JUDGE ROBERT MACDONALD

Robert MacDonald was born at Westville, Nova Scotia on November 4, 1920. He attended Royal Military College and Dalhousie University. He graduated with his Bachelor of Laws degree in 1949 and he was admitted to the Bar of Nova Scotia on August 5, 1949. He practised law in New Glasgow with the firm of MacIntosh, MacDonnell and MacDonald until his appointment to the Bench of the Provincial Court on June 14, 1984.

Judge MacDonald is married to Jean Maude (Foster) of New Glasgow and they have six children: Cathy Maude, Maryl Anne, Margaret Jane, Colla Jean, Elizabeth Anne and Robert Steven.

While a member of the Provincial Court Judge MacDonald sat in Halifax and in various centers in the province. Judge MacDonald retired from the Provincial Court on February 14, 1985 on his appointment to the Supreme Court of Nova Scotia (Trial Division) where he presently serves.

During World War II Judge MacDonald served with the first Canadian Parachute Batallion; the Royal Canadian Dragoons and the British Special Air Service Regiment. He was honourably discharged with the rank of Captain.

JUDGE JAMES DONALD REARDON

James Donald Reardon was born at Yarmouth on May 10, 1926. He attended Acadia University where he received his Bachelor of Arts degree in 1948 and Dalhousie University where he received his Bachelor of Laws degree in 1950. He was called to the Bar on January 9, 1951 and practised as a sole practitioner from 1952 until 1985. He received his Queen's Counsel on January 1, 1970.

Judge Reardon is married to Marion Gertrude (Stephenson) of Saint John, New Brunswick and they have five children: James Thomas, Pamela Jane, Jeffrey Alexander, Holly Anne, and Roberta Louise. Judge Reardon enjoys fishing and golf. He was Registrar of Deeds and Registrar of Probate from 1983-1985. Judge Reardon was appointed to the Court on April 1, 1985. He holds Court in Yarmouth, Nova Scotia.

JUDGE ROSS BAXTER ARCHIBALD

Ross Baxter Archibald was born in Amherst, Nova Scotia on January 4, 1936. He attended Mount Allison University and received his Bachelor of Arts degree in 1965 and the University of New Brunswick where he received his Bachelor of Laws degree in 1968. He was called to the Bar of Nova Scotia on December 3, 1968 and practised law in Amherst under the firm name of Archibald, Morley and Pare. He received his Queen's Counsel in 1984.

Judge Archibald is married to Martha Penelope (Murchie) of Dalhousie, New Brunswick and they have one son: Thomas Ross.

Judge Archibald is an avid flyer and is an instrument rated private pilot. He is a member of the Moncton and Truro Flying Clubs. He is also a member of the Amherst Airport Committee. Prior to his appointment to the Bench he was Chairman of the Nova Scotia Legal Aid Commission. He was appointed to the Provincial Court on June 1, 1985. He is a replacement Judge and holds Court throughout the province.

JUDGE ROBERT ALLAN STROUD

Robert Allan Stroud was born in New Glasgow on August 17, 1938. He attended Mount Allison University and received his Bachelor of Commerce degree in 1959 and Dalhousie University where he received his Bachelor of Laws degree in 1969. He was employed as an Auditor with Revenue Canada in Toronto and Halifax from 1961 until 1966. In 1965 he obtained the designation "Certified General Accountant" from the University of British Columbia. Judge Stroud articled in Halifax with the firm of Daley, Black, Moreira and Piercey. He was called to the Bar on June 2, 1970. He joined in partnership in the firm White, Stroud, Patterson and Associates and practised law in New Glasgow from 1970 to 1986. On January 9, 1986 he received his Queen's Counsel and on December 16, 1986 received his appointment to the Provincial Court.

Judge Stroud is married to Helen Ann (MacLeod) of New Glasgow and they have four children: Thomas William, Robert Mark, Brian David and Darren Matthew. He holds Court in Pictou, Nova Scotia.

JUDGE JEAN-LOUIS MARIE GONZAGUE BATIOT

Jean-Louis Marie Gonzague Batiot was born in Vendée, France on the 29th of January, 1944. He came to Nova Scotia in the spring of 1962 and farmed for several years. He received a Bachelor of Arts degree from Dalhousie University in 1973 and his Bachelor of Laws degree from Dalhousie in 1976. He was called to the Bar on the 12th of April, 1977 and was involved as a sole practitioner in the general practise of law in Annapolis Royal until he was appointed to the Bench on the 15th of September, 1987, as the first bilingual Judge in Nova Scotia.

Judge Batiot is married to Jennifer Ann (Turner) of Granville Ferry. They have two children: Jessica Laure and Luke Alexander. He was very active in community affairs and has served as a member of the Town Council for the Town of Annapolis, the School Board, Hospital Board and others. He is interested in many sports among which are sailing, tennis and bicycling.

Judge Batiot sits mainly in Western Nova Scotia and throughout the province for trials in French.

JUDGE FRANCES KENT POTTS

Frances Kent Potts was born in New Glasgow, Nova Scotia on September 28, 1950. She attended Dalhousie University and received her Bachelor of Arts degree in 1971 and her Bachelor of Laws degree in 1974. She articled with the firm of MacIntosh, MacDonnell and MacDonald of New Glasgow. She was admitted to the Bar of Nova Scotia on March 11, 1975 and practised law with David English, Barrister & Solicitor at Enfield, Nova Scotia from 1976 to 1978. She was appointed Crown Prosecutor for the Province of Nova Scotia in January 1979 and worked in the Halifax/Dartmouth metropolitan area.

Judge Potts is married to William Daniel Barr of New Glasgow and they have two children: Nicholas Andrew and Ashlea Suzanne. Judge Potts was appointed to the Bench on January 7, 1988 and holds Court in Dartmouth, Nova Scotia.

JUDGE JOHN GRANT MACDOUGALL

John Grant MacDougall was born at Truro, Nova Scotia on July 16, 1949. He graduated from Saint Mary's University in 1971 with his Bachelor of Arts degree and from Dalhousie University in 1975 with his Bachelor of Laws degree. He articled with the firm of Burchell, MacDougall and Gruchy at Truro and was called to the Bar of Nova Scotia on November 13, 1975. He continued to practise law with the same firm until his appointment to the Provincial Court on June 1, 1988.

Judge MacDougall is married to Mary Irene (Lawson) of Saint John, New Brunswick and they have three children: Kathryn Jane, Ian Lawson and Margaret Elizabeth. Judge MacDougall has been active in community affairs. He has served terms as president of the Truro and District Chamber of Commerce, the Fox Breeders Association of Nova Scotia and the Truro Rugby Club. He has also served as a Member of the executive of the Truro Boys and Girls Club and the Canada Fox Breeders Association. Judge MacDougall has been actively involved with the Nova Scotia Provincial Exhibition Committee, the Upper Stewiacke 4-H Club, and is interested in the breeding and raising of foxes, woodlot management and various athletic pursuits.

Judge MacDougall holds Court in Shubenacadie and in Truro, Nova Scotia.

Detail from the facade of the Provincial Court House on Spring Garden Road in Halifax.

A History of the Nova Scotia Family Court

Timothy T. Daley B.A., B.Ed., M.S.W., LL.B.

The Family Court for the Province of Nova Scotia had its beginning in the 19th century. Criminal and civil laws designed to improve the conditions of children have evolved into a specialized court administering family and child directed legal interventions services. This paper outlines the legislated development of the Family Court judiciary. It is not intended to be a complete and exhaustive reference but only highlights the more salient aspects. For a more complete coverage, the reader is referred to the specific statute.

Some historians suggest that family law grew from the industrial revolution of the 18th and 19th centuries as a means of social control to enable individuals, families and the community to continue their daily work-directed activites. Communities enacted laws to deal quickly with difficulties having their origins within the family including: parent separation, divorce, abandonment, child neglect, juvenile delinquency, family violence and so forth. Others suggest that family law is a humanitarian response to the pressures of a society which places material goods and individual wants ahead of responsible societal behaviour.

The Nova Scotia Family Court, a creature of provincial statute, had its genesis in the early laws designed to provide a semblance of protection for children and the community. Briefly, the Family Court currently administers—in almost all instances with exclusive jurisdiction—to children and adults in need of protection. This includes assaults within the family, custody, access, maintenance and juvenile delinquents (now called young offenders). It acts routinely as referee for the Supreme Court of Nova Scotia for variations of divorce corollary relief orders and occasionally at the direction of the Supreme Court to resolve matrimonial property and other domestic legal issues.

The early laws regulating children had their roots in the English common law and the Elizabethan Poor Laws which influenced colonial legal developments. The 1859 *Masters, Apprentices and Servants Act* (an example of pre-Confederation child-directed laws emanating from England) required parents, guardians and overseers of the poor to enquire into the treatment of all children bound by them. It also required them to defend children so bound from cruelty, neglect and breach of contract, of their masters. Complaints of misconduct or neglect by the master were brought before two justices of the peace for hearing and disposition.

The seriousness with which the legislators viewed the matter is illustrated by section 14 of the statute which required any appeals to be heard directly by the Supreme Court of the province. Indentures had to be delivered to and filed by the local justice of the peace or the clerk of the justice, presumably for safe keeping and for supervision of the indenture. Prior to Confederation, Nova Scotia—being a self governing territory—amended the common law in 1864 by statute. The statute gave broad criminal jurisdiction including indictable offences and those committed by young persons, to provincially appointed courts, called the Court of Quarter Sessions of the Peace. This meant that children and young persons were dealt with by provincially appointed magistrates and justices of the peace sitting in Sessions. The word "juvenile" appeared in 1864 for the first time in Nova Scotia law and magistrates courts were permitted to try felonies by persons under 14 years of age.

It is only a short step from legislation protecting indentured children from mistreatment by their masters, to protection of children from their parents or guardians.

The first such law passed in Nova Scotia in 1832 and was titled *An Act to Prevent and Punish Wrongs to Children*. The Act forbade any minor under sixteen years of age, unless accompanied by a parent or guardian, from being admitted to saloons or places where liquor was sold or exchanged and included amusement houses, dance houses, billiard rooms and dancing classes. Attendance at bawdy houses was strictly forbidden. Violators were brought before a justice of the peace and could be fined.

If a parent or guardian having care and custody of a child was convicted of having assaulted, beaten, ill-used, abandoned or treated the child with habitual cruelty and neglect; or allowed the child to grow up without salutary parental control or exposed the child to an idle and dissolute life; the court or magistrate—on deeming it advisable for the welfare of the child that the convicted person should be deprived of the child—could commit

the child to an orphanage or other institution. The court could also dispose of the child as permitted for vagrants, truants, disorderly, paupered or destitute children. Justices of the peace, magistrates or other courts continued to exercise jurisdiction over children under statutes passed after 1882 and until the early 20th century.

Nova Scotia (like other Canadian provinces) began to enact legislation establishing child welfare laws by 1906 along with a juvenile court in anticipation of federal legislation which would set up a juvenile justice system. Given the thrust of the federal-provincial discussions at the time, it was clear that children under both federal and provincial laws would be processed through a court specializing in children's law. These provincial laws assigned Executive responsibility for the laws, legislated organizations to carry out daily activities under the Act and defined the courts which would have jurisdiction over the Act.

The first Nova Scotia statute was called *The Children's Protection Act, 1906* and was administered by the Attorney General. The Act identified four possible judicial overseers of the Act: a judge of the Supreme Court, a stipendiary magistrate, two justices of the the peace acting together and a justice of the peace specially appointed as a commissioner for the trial of juvenile offenders. The judge of the Supreme Court had province-wide jurisdiction whereas the other judges had territorial jurisdiction limited to the place where each held office.

These judges dealt with girls under 14 years of age and boys under 16 years. They were charged with the duty to investigate the facts of the case in a summary manner and if on finding the child to be neglected, could order the child committed to the children's aid society. If the judge found the child not fit to be dealt with as neglected but there were grounds to believe the child may be guilty of an offence, the judge was required to instruct the child be charged under the criminal law. If there was no evidence of neglect or criminal behaviour, the judge still had the discretion to commit the child to an orphanage, or other institution for the care of children for an indefinite period up to the 18th birthday of the child.

The 1906 Act established the privacy of hearings involving children, which continues to the present. The Act permitted no person to be present other than the officers of the law and only such other persons as the child may desire to have in attendance. In short, the judge was given no authority to admit persons other than those the child wanted in court with him or her. This has since been changed so that now the judge has the final say on

who may be present. Of interest is the section which declares that no judge shall be disqualified from acting because he is a member of or holds an office in a Children's Aid Society. This has been repealed. The Act was further amended at the same sitting of the Assembly to permit the judge to summons as a witness any person whom he deems likely to be able to give any evidence touching the matter of any investigation held before him.

On July 20th, 1908, the first federal law dealing exclusively with young criminals, ***The Juvenile Delinquents Acts***, 1908 was assented to. It gave exclusive jurisdiction to the Juvenile Court to try all juvenile delinquents under 16 (or 18) years of age charged with violating a federal, provincial or municipal law. The Juvenile Court was a court duly established under provincial statute for the purpose of dealing with juvenile delinquents, or specially authorized by provincial statute, the Governor-in-Council, or the Lieutenant Governor-in-Council, to deal with juvenile delinquents.

The Act permitted transfer of a complaint of an indictable offence to an ordinary court at the discretion of the juvenile court judge if the judge concluded such a transfer for trial was for the good of the child and in the interests of the community. Prosecutions and trials as a general principle, were to be tried summarily and the summary proceeding part of the Criminal Code was to apply. Trials were to be held in private, with no publicity and as informal as the circumstances would permit but consistent with due regard for the proper administration of justice. The court was authorized to try an alleged juvenile delinquent without the necessity of a preliminary hearing. The juvenile court judge had all the powers over and duties for inmates under the age of sixteen years who were incarcerated. The same power was invested in magistrates or justices of the peace under the federal ***Prison and Reformatories Act*** and they retained authority to control the term a delinquent may be committed.

Two unique features characterized this early legislation. Wherever a juvenile court was established it was mandatory for a committee of citizens, the Juvenile Court Committee, to be set up. This committee was to meet regularly, consult on individual cases coming before the court and offer advice to the court as to the best mode of dealing with such cases. The second feature was the authority, (given by the 1914 amendments to the ***Juvenile Delinquents Act***) for the judge of the juvenile court to appoint with the approval of the Attorney General, a deputy judge who was to have all the powers and duties of the judge in case of

absence, illness or other disability of the sitting judge.

The 1908 Act established an offence known as contributing to delinquency, regardless of the age of the alleged contributor, and any complaint of contributing brought under the Act, was to be tried by the juvenile court judge.

The next major change in the child welfare and juvenile laws, occurred in Nova Scotia in 1912. The House of Assembly passed the *Children's Protection Act, 1912*, an Act to Consolidate and Amend the Law Relating to Juvenile Offenders and the Protection of Children. This Act established the first juvenile court in the Province of Nova Scotia for the purpose of dealing with juvenile delinquents under the provisions of the *Juvenile Delinquents Act*, 1908. The Governor-in-Council had the authority to appoint county court judges and such other persons as may be necessary to be judges of the juvenile court and to define their territorial jurisdiction. The legislation continued the authoriity for the juvenile court judge to appoint a deputy judge with Governor-in-General approval. This Act added a judge of the juvenile court to the Supreme Court and other judges listed in the 1906 Act to those having jurisdiction under the Act in the narrow field of child neglect and juvenile delinquents. In that part of the Act dealing with child labour laws, prosecutions for violations could only be brought before a justice of the peace or a stipendiary magistrate.

The revised Children's Protection Act of 1923 continued to list judges of the Supreme Court, the juvenile court, stipendiary magistrates, and two justices of the peace acting together as having jurisdiction to hear matters under the Act. Reference to a judge of the Supreme Court was removed in 1946. Enforcement of child labour laws was given to all the judges noted except the Supreme Court.

The *Children's Protection Act*, 1923 was subjected to substantial amendments until it was repealed and replaced in 1950 by the *Child Welfare Act*. In 1926, the House passed a curious amendment which allowed a person to be both the Director of Child Welfare (the civil service administrator of the Act) and a judge of the juvenile court. This provision was not repeated in the 1950 revision. The 1930 amendments defined a judge under the Act as either a juvenile court judge or a stipendiary magistrate specially authorized to act as a juvenile court judge. It said that a judge of the juvenile court (when exercising jurisdiction under the Act or any other Act), shall be held to be exercising such jurisdiction as such judge and not as persona designata and shall have all the same privileges and immunities as a judge of the Supreme

Court of Nova Scotia. In 1934, the Act was amended to remove formal reference to the Attorney General as the person responsible for the Act and substituted reference to the Minister designated by the Governor-in-Council. The Minister of Public Welfare was given authority over the Act and the juvenile court.

The 1950 consolidation repealed the 1923 statute and renamed it the *Child Welfare Act*. The Supreme Court was not named as having anything but appeal authority in the Act. The judges under the Act were from the county court, the juvenile court and speically authorized stipendiary magistrates. The Act required the judge to cause the evidence of all witnesses to be taken down in writing or in shorthand and transcribed. The juvenile court judge retained the authority (with Governor-in-Council approval), to appoint a deputy judge and the person designata section from the repealed Act was continued.

The 1954 version of the *Child Welfare Act* retained an earlier section that to some extent undercut the finality of orders made by the juvenile court. For example if the judge concluded a child was neglected as defined in the Act, the judge could not make the child a ward unless the Director of Child Welfare or the local Children's Aid Society gave their approval to do so. Similarily, the court was prevented from terminating a wardship order without the approval of the Minister responsible for the Act. These provisions were removed by the 1976 *Children's Services Act* which repealed and replaced the *Child Welfare Act*.

In earlier child welfare statutes, the juvenile court judge was given authority with certain approval, to appoint a deputy judge to act for him or her, generally when the judge was prevented from attending to his duties due to illness. In 1962, an amendment extended the grounds for making such an appointment to include acting at the request of the judge.

The Family Court for the Province of Nova Scotia came into existence with the passage of the *Family Court Act* in 1963 and was administered by the Minister of Public Welfare. The initial legislation authorized the Governor-in-Council to order the establishment of a family court in any area of the province. The family court was a court of record and a juvenile court within the meaning of the *Juvenile Delinquents Act* and certain parts of the *Nova Scotia Child Welfare Act*. The family court judge was granted all the jurisdiction, powers and authority of a juvenile court and a provincial magistrate with respect to all matters over which the court exercised its powers under an enactment.

The Act authorized the Governor-in-Council to grant exclusive, concurrent or general jurisdiction over a number of family and

child oriented laws. These laws included: dependent parent, wives' and children's maintenance, children of unmarried parents legitimation and maintenance, employment of children, child neglect parts of child welfare, truancy and misbehavioural prosecutions under the education statute, the federal *Juvenile Delinquents Act* and the assault section of the Criminal Code where the assault involved parents or parent and children.

The 1971 *Family Court Act* amendments established a family court for the whole province rather than in a local area and permitted the sitting of night courts. A 1972 amendment stated the judge held office during pleasure for the first year and thereafter during good behaviour. Good behaviour became the sole criteria by a subsequent amendment. Recognizances (peace bonds) under the Criminal Code involving immediate family members was added to the court jurisdiction in 1972.

A series of amendments between 1967 and 1986 set a minimum qualification of at least five years before the Nova Scotia bar for a family court judge. A judicial council was set up to hear complaints of judicial misconduct and a six month limit was placed on reserved decisions. A Family Court Rules Committee was legislated.

The 1986 amendment removed reference to all provincial enactments except for those conferring responsibility for prosecution of violators of the Labour Standards Code where children are involved. It left Criminal Code sections dealing with assaults, recognizances, enforcement of probation orders and provision of necessities in the Act and granted the Governor-in-Council authority to confer jurisdiction on the family court over matters as the Governor-in-Council deemed appropriate. The court was also given authority to award costs in any matter within its jurisdiction.

During the 1970-71 sitting of the House of Assembly, the *Infants Custody Act* which had come under the jurisdiction of the Supreme Court, was amended. The amendments stated that a judge of the county court or a judge of the family court shall have and may exercise upon application the same jurisdiction conferred by the Act upon a judge of the trial division of the Supreme Court.

The *Children's Services Act* of 1976 which repealed and replaced the *Child Welfare Act* as well as a number of other social service related statutes, place all features of the Act under the exclusive jurisdiction of the Family Court, except for that part dealing with adoptions which was left with the county court.

The *Juvenile Delinquents Act* was repealed and replaced by

the *Young Offenders Act* which was proclaimed in 1984. The youth court replaced the juvenile court (family court) and dealt only with offences against federal laws. Provincial and municipal laws continued to be prosecuted before the family court in the usual manner. In Nova Scotia, the youth court was split in two: those offenders 16 and 17 years of age continued to attend the provincial criminal courts now called youth courts. Those 12 to 15 years of age inclusive continued to attend the family court (now also called a youth court).

In some ways, the youth court judge has come full circle—back to the original juvenile court judge. For example, the youth court has the authority to review a custodial sentence and order the early release of the offender. The administration of the custodial program has no authority to do so. This means of supervising the rehabilitation of the young offender and having the final say on his release is much like the release authority of the early juvenile court judges.

As time has gone by the family court has gradually taken on more and more family and matrimonial resolution matters and hence has moved toward the complete administration of the law under what is referred to as a unified family court system. The family court in Nova Scotia is somewhat unique in this regard. In the 1980 *Family Maintenance Act*, over which the family court has exclusive jurisdiction, there is authority for the court to enforce maintenance, custody and access orders issued by any court of competent jurisdiction. It can also act as a referee under the Supreme Court Civil Procedure Rules to hear and make recommendations to the Supreme Court for variation of divorce corollary relief orders.

Judges of the Family Court

BIOGRAPHIES

JUDGE JULIAN ELLIOT HUDSON

Julian Elliot Hudson was born on March 7, 1904 at Saint John, New Brunswick. He graduated from the University of King's College with his Bachelor of Arts degree in 1924 and graduated from Dalhousie University with his Bachelor of Laws degree in 1927. in 1950 the University of King's College awarded him a Doctor of Civil Laws degree. He was called to the Bar of Nova Scotia in March, 1928. He practised law with Major John S. Roper of Halifax.

Judge Hudson is married to Ruth (Wigmore) of Toronto and they have three children: John David, Herbert Kenneth, and Robert Murray. He was appointed to the Court in June, 1941 and held Court sessions in Halifax from that time until his retirement on August 31, 1973.

Judge Hudson was very active in amateur hockey in Nova Scotia. His name was entered in the Canadian Hockey Hall of Fame in Toronto and he was made a Member of the Nova Scotia Sport Heritage Center Hall of Fame. Judge Hudson is a Member of the Anglican Church of Canada and is a former Chancellor of the Diocese of Nova Scotia. He received the Anglican Award of Merit from the National Executive Council of the Anglican Church in November, 1986.

JUDGE WELSFORD GORDON PHILLIPS

Welsford Gordon Phillips was born in Halifax on January 6, 1918. He graduated from Dalhousie University in 1941 with his Bachelor of Laws degree and subsequently from McGill University with his Bachelor of Social Work. Judge Phillips was called to the Bar in February, 1941 and practised with the firm of Burchell, Smith, Parker and Fogo until 1945. He was appointed a Judge of the Family Court in July, 1953. He is married to Elizabeth Florence (Woods) of Halifax and they have two children: Peter Gordon and Janel Elizabeth.

Judge Phillips retired from the Court on January 31, 1983. He is interested in gardening and in sports and he has received the Community Service Award from the Province of Nova Scotia.

Judge William Marshall Black

William Marshall Black was born on July 28, 1929 at Lawrence, Massachusetts, U.S.A. He attended the University of King's College and received his Bachelor of Arts degree in 1951. He graduated from Dalhousie University with his Bachelor of Laws degree in 1953. Judge Black articled with the firm of Shaw and Waterbury in Kentville and he was called to the Bar on October 27, 1953. He practised law in Kentville with the firm of Shaw, Waterbury and Black. On August 15, 1961 he was appointed to the Bench and held Court on a circuit basis in Western Nova Scotia including Halifax.

Judge Black is married to Lena Marie (Webster) of Kentville and they have three children: Natalie Joan, William Marshall, and Sheri Marie.

Judge Black has had extensive involvement with the Boy Scouts Association, Childrens' Aid Society, the Masonic Order and the Anglican Church. He was the first new appointment as Judge of the Juvenile Court for the Province of Nova Scotia. The "new" Juvenile Court with province-wide jurisdiction subsequently became the Family Court for the Province of Nova Scotia. On June 15, 1984 Judge Black was appointed Chief Judge of the Family Court.

JUDGE LOUIS BERNARD EDWARDS

Louis Bernard Edwards was born in Sydney Mines, Cape Breton on September 25, 1919. He studied pre-law at St. Francis Xavier University and graduated with his Bachelor of Laws Degree from Dalhousie Univeristy in 1951. Judge Edwards articled with Senator John M. Macdonald of North Sydney. He was called to the Bar in September, 1951. He entered private practise in Sydney Mines as a sole practitioner and was subsequently appointed Assistant Crown Prosecutor, a position which he held until his appointment as a Juvenile Court Judge on January 1, 1962. He was appointed a Family Court Judge on February 3, 1965.

Judge Edwards was married to Mary Cecilia (MacNeil) and they had five children, four daughters and one son: Ann Marie, Elizabeth Louise, Ellen Jane, Theresa Coleen and Louis Joseph.

Judge Edwards served in the Canadian Army during World War II for a period of five years. He was appointed Chief Judge of the Family Court in 1982 and held that position until his retirement in 1984. He held Court in Sydney. Judge Edwards died August 6, 1988.

JUDGE RAYMOND ALVIN BARTLETT

Raymond Alvin Bartlett was born at Truro on September 1, 1924. He studied pre-law at Acadia after which he attended Dalhousie Law School and graduated with his Bachelor of Laws Degree in 1957. After leaving his private practise in Truro he moved to Calgary where he became Assistant Legal Counsel with the Canadian Oil Company. He returned to Truro in 1961 to work with the Department of Welfare. He was also Administrator of the Springhill Disaster Relief Fund and the coordinator of the first Family Court in Nova Scotia at Sydney. In 1967 Judge Bartlett was appointed Judge of the Juvenile Court and Judge of the Family Court.

He is married to Lillis Victoria (Buckler) of Clementsvale, Annapolis County and they have five Children: Lynn Ray, Gail Linda, Raylene Victoria, Raymond Anthony, and Marlene Juanita.

During World War II Judge Bartlett was a member of the R.C.A.F. and was a pilot under training when he was honourably discharged on November 29, 1944. As a Family Court Judge he held Court in various centers throughout the Province but mainly at Truro, Amherst and Halifax. He became a born again Christian on October 22, 1980. Judge Bartlett left the Bench in January 1987.

JUDGE VINCENT JOHN GUALBERT LEBLANC

Vincent John Gualbert LeBlanc was born at Sluice Point, Yarmouth County, Nova Scotia on July 12, 1917. He graduated with his Bachelor of Arts degree from St. Ann's College. He subsequently attended Dalhousie University where he obtained his Bachelor of Laws degree in 1950. Judge LeBlanc articled with Judge Vincent Pothier and with Jack Fraser, Esquire of Yarmouth and was called to the Bar in 1955. He practised law with D.J. Fraser and also with Irving Pink in Yarmouth.

Judge LeBlanc is married to Marie Janet (Pothier) of Sluice Point and they had seven children: Zane Vincent, Mona Marie, Doreen Ann, Carmel Marie, Mark Joseph, Phillip John, and Paul Jermain. During the Second World War Judge LeBlanc served with the RCAF and studied courses on radar at McMaster's University. He was also solicitor for the Municipality of Argyle from 1965 to 1970. Judge LeBlanc was appointed to the Family Court on October 1, 1971. He held Court at Yarmouth and retired July 31, 1982.

JUDGE ROBERT FRANCE FERGUSON

Robert France Ferguson was born in Sydney Mines, Cape Breton on October 6, 1937. He graduated from Acadia University with his Bachelor of Arts degree in 1959 and from Dalhousie University with his Bachelor of Laws degree in 1962. He articled with the firm of McNeil and Coburn and was called to the Bar of Nova Scotia in 1963. He practised law in Sydney in the firm of Matheson and Ferguson and with the firm of MacIntyre, Gillis and Ferguson. He is married to Florence Margaret Judy (Thomas) of Berwick, Nova Scotia and they have two children: Judith Francis and James Thomas.

Judge Ferguson was appointed to the Bench on November 1, 1971 and holds Court in Sydney, Nova Scotia.

Judge Ferguson is active in community affairs and is a member of various community associations and boards. He is a Member of the Executive of the Nova Scotia Provincial Judges' Association and was on the Board of Directors of the Jeux du Canada Games, Nova Scotia Tennis Association and various hockey associations in Cape Breton.

JUDGE WILLIAM MATHESON LEWIS

William Matheson Lewis was born at Louisbourg, Nova Scotia on April 10, 1934. He graduated from Dalhousie University with his Bachelor of Commerce degree in 1954 and with his Bachelor of Laws degree in 1958. He articled with Simon Khatar of Sydney and Kenneth Jones of Liverpool. he was called to the Bar in December of 1958 after which he worked with the Department of Justice in Ottawa. He returned to Halifax and received his Chartered Account degree in 1963. In 1967 he practised law in the Annapolis Valley at Kingston in the firm of Tidman and Lewis and later in Kentville with the firm of Waterbury, Newton and Lewis.

Judge Lewis is married to Susan Burdette (Shaffner) of Bridgetown and they have four children: John William, Stephen Matheson, Paul Shaffner and Megan Sue.

Judge Lewis was appointed to the Family Court in August, 1972 and he retired as a Family Court Judge on March 15, 1975 to commence work with the Legal Division of the Export Development Corporation in Ottawa where he is presently employed. Judge Lewis resides at Kanata, Ontario with his wife and family.

JUDGE MURRAY ALBERT NORTH

Murray Albert North was born in Canning, Nova Scotia on January 27,1919. He graduated with his Bachelor of Arts degree from Acadia University in 1939 and with a Bachelor of Laws degree from Dalhousie University in 1948. He was called to the Bar in September, 1948. He thereafter was employed with Eastern Trust and successor companies in Nova Scotia and Alberta, rising to a senior Management position. For many years he was a Member of Council of the Canadian Bar Association and was appointed a Queen's Counsel in 1971. On May 1, 1974 he was appointed a Judge of the Family Court for Nova Scotia. Judge North held Court in Halifax until his retirement on May 1, 1984.

Judge North has been very active in community affairs and has been Chairman, President and a Director of a large number of organizations and associations including the Board of Governors of Acadia University. During the Second World War, Judge North saw service overseas and was the recipient of numerous medals and decorations. He was mentioned-in-dispatches for gallant and distinguished service and was discharged with the rank of Major. His hobbies are hunting, fishing, curling, gardening and golf.

He is marrried to Margaret A. (Wynton) of the United Kingdom and they have three children: Gregory Ian, Murray Alan and David Harold.

JUDGE THOMAS DANIEL TRAMBLE

Thomas Daniel Tramble was born in Antigonish on June 21, 1933. He graduated from St. Francis Xavier University with his Bachelor of Arts degree in 1966 and graduated from Dalhousie University in 1969 with his Bachelor of Laws degree. Judge Tramble articled with Douglas MacDonald of Antigonish and was called to the Bar in December 3, 1969. He practised law until 1974 and on July 1st of that year accepted the appointment as a Judge of the Family Court.

He was married to Barbara Anne (Landry) of Halifax and they had one child: Daniel Joseph Tramble. In 1974 Judge Tramble received the Arthur D. Stairs Award for the paraplegic who had done the most to rehabilitate himself. He received an Honorary Doctorate of Laws degree from Saint Francis Xavier University in May, 1981. He was a Member of the National Welfare Council, Past Member of the Nova Scotia Advisory Council on the Status of Women. He was an active farmer and breeder of registered clydesdale horses. Judge Tramble died on September 24, 1985.

JUDGE LOUIS EDWARD MOIR

Louis Edward Moir was born in Dartmouth on December 4, 1922. He graduated from Dalhousie University in 1950 with his Bachelor of Science degree and with his Bachelor of Laws degree in 1969. He articled in Halifax with the firm of Daley, Black, Moreira and Piercey and was called to the Bar on June 30, 1970. He practised law in Halifax with the firm of Moir and Thompson from 1971 to 1975 when he was appointed to the Family Court. He presided in Halifax.

Judge Moir is married to Mildred Gertrude (Bishop) of Halifax and they have ten children: Gerald Reid, Catherine Marie, Mary Jean, Marian Louise, Keith John, Elizabeth Ann, Madeleine Florence, Gregory Francis, Nancy Marie and Patricia Anne. Judge Moir was very active in community affairs and served three terms as Alderman for the City of Halifax including one term as Deputy Mayor. He is very interested in hunting, fishing and bridge.

JUDGE ROBERT JAMES BUTLER

Robert James Butler was born on August 20, 1924 at Halifax, Nova Scotia. He graduated from Saint Mary's University with his Bachelor of Arts degree in 1945. He graduated from Dalhousie University with his Bachelor of Laws degree in 1949 and articled in Halifax with the firm of Stewart, MacKeen and Covert. In April, 1950 he was called to the Bar and entered private practise from that date until 1976. On August 15, 1976 he was appointed to the Family Court in Halifax.

Judge Butler is married to Aileen Ann (Cosgrove) of Halifax and they have four children: Gregory James, Bernard Joseph, Rosemary Adele and Ian Jerome. Judge Butler has been very active in community affairs. He was elected to the City Council of Halifax and served as Deputy Mayor and Acting Mayor. He was Chairman of the Halifax School Board and Past President of the Rotary Club of Halifax North-West. His hobbies are gardening, hunting and fishing.

JUDGE PAUL SHAUN PADRAIG NIEDERMAYER

Paul Shaun Padraig Niedermayer was born in Epsom, Surrey, England on December 9, 1941. He received his Bachelor of Arts degree from St. Mary's University in 1964 and his Bachelor of Laws degree from Dalhousie University in 1967. He articled in Port Hawkesbury, and was called to the Bar on November 7, 1967. He practised law in Port Hawkesbury and later in Windsor, Nova Scotia with the firm of McGrath and Niedermayer and with Nova Scotia Legal Aid. Prior to his appointment to the Court he was a Member of the firm of Macdonald and Niedermayer. On June 4, 1979 he accepted the appointment to the Family Court of Nova Scotia and sits in Dartmouth.

Judge Niedermayer is married to Mary Cathleen (Donahoe) of Halifax and they have three children: Richard Sean, Erin Lynne, and Shannon Jeanne. Judge Niedermayer is very active in community affairs and has been a Past President of both the Family and Childrens' Services of Hants County and the Nova Scotia Family and Child Welfare Association. He is an accomplished marathon runner. He was Co-Chairman of the Second National Judicial Conference on Family Law and a Director of the Canadian Institute for the Administration of Justice.

JUDGE TIMOTHY THOMAS DALEY

Timothy Thomas Daley was born at Sylvan Lake, Alberta on July 17, 1933. He received his Bachelor of Arts degree from University of Ottawa (Notre Dame College) in 1955, his Bachelor of Education from Saint Francis Xavier University in 1956 and his Master of Social Work in 1961. He graduated from Dalhousie University with his Bachelor of Laws degree in May, 1975. He articled with the firm of Moir and Thompson and with the Department of the Attorney General. He was called to the Bar in October, 1975 and thereafter worked for the Province in the Department of Social Services.

Judge Daley is married to M. Dolores (MacNeil) of Glace Bay. They have three children: Mary Denise, Krista Marie, and Alicia Anne. He was appointed to the Family Court of Nova Scotia on September 2, 1980 and sits in Halifax. Judge Daley is active in community affairs. He is a faculty Member at Dalhousie Law School and author of numerous articles on social work and family law.

JUDGE JOHN DENNIS COMEAU

John Dennis Comeau was born in Weymouth, Digby County, Nova Scotia on May 3, 1948. He received his Bachelor of Arts degree from Saint Francis Xavier University in 1970 and his Bachelor of Laws degree from Dalhousie University in 1973. On December 7, 1973 he was called to the Bar and practised law at Digby in the firm of Haliburton and Comeau. He was appointed to the Family Court of Nova Scotia on November 6, 1981. Judge Comeau is married to Barbara Ann (White) of Sydney, Nova Scotia and they have two children: Heidi Helen and Jonathan William Dennis.

Judge Comeau was Solicitor for the Municipality of Digby and Crown Prosecutor for Digby County and for the Town of Digby. He was very active in service clubs and in community affairs. Judge Comeau holds Court in Digby and Queens Counties and in Shelburne, Yarmouth and Barrington.

JUDGE ROBERT JAMES LOFTUS WHITE

Robert James Loftus White was born in Montreal on July 8, 1938. He graduated from Saint Mary's University with his Bachelor of Arts degree in 1960 and from Dalhousie University with his Bachelor of Laws degree in 1963. He is a Member of the New Brunswick Bar and was called to the Bar of Nova Scotia in 1967. He was employed with the Department of Labour at Ottawa and also practised law in New Brunswick and in New Glasgow. Judge White is married to Doreen Carol (Napier) of Kingston, Ontario and they have three children: Stephanie Ann, Michael Andrew, and Ian Robert James Loftus.

Judge White was appointed to the Family Court of Nova Scotia on January 7, 1983 and holds Court in New Glasgow. He is very active in community affairs and was a Member of the Town Council of Stellarton and Chairman of the School Board and Police Committee. His hobbies are golfing and swimming and he is interested in historical sites and events. He also served as a Member of the Nova Scotia Barristers' Society Bar Council during his years in practise.

JUDGE ELIZABETH ANN *MACKINNON* ROSCOE

Elizabeth Ann Roscoe was born on May 29, 1950 at Halifax, Nova Scotia. She received her Bachelor of Arts degree from Mount Saint Vincent University in 1971 and her Bachelor of Laws degree from Dalhousie University in 1974. She articled in Halifax with the firm of Blois, Nickerson, Palmeter and Bryson and was admitted to the Bar on December 10, 1974. She practised with the same firm until she assumed her duties as a Family Court Judge in Halifax on February 1, 1984.

Judge Roscoe has one child: Daniel John. She is very active in community affairs and the Judges' Association and is currently a Member of the Board of Governors of the Halifax Grammar School and the Grace Maternity Hospital. In the past she has been President of the Nova Scotia Advisory Council on the Status of Women and a Member of the Executive of the Public Legal Education Society.

JUDGE FRANCIS BERNARD WILLIAM KELLY

Francis Bernard William Kelly was born on January 9, 1937 at Charlottetown, Prince Edward Island. He received his Bachelor of Arts degree at Saint Dunston University in 1960 and his Bachelor of Laws degree from Dalhousie University in 1967. He was called to the Bar in February, 1968 and practised law at Port Hawkesbury, in the firm of Kelly, Evans and MacIsaac. He is married to Helena Adelle (Dowling) of Charlottetown, and they have three children: Lawrence Owen, Heidi Mary Catherine, and Shannon Liam.

Judge Kelly was appointed to the Family Court of the Province of Nova Scotia on May 1, 1984 and served in that capacity in Sydney until his appointment to the Supreme Court of Nova Scotia (Trial Division) on February 18, 1985. He is very active in community affairs, and was Chairman of the Federal Nova Scotia Electoral Boundaries Commission and a Past Member of the Executive of the Nova Scotia Legal Aid Commission. He was on the Executive of the Maritime Special Education Authority and on the Council of the Nova Scotia Barristers' Society.

JUDGE JOHN VERNON MACDONALD

John Vernon MacDonald was born at East Bay, Cape Breton on September 9, 1948. He received his Bachelor of Arts degree from Saint Francis Xavier University in 1969 and his Bachelor of Laws degree from Dalhousie University in 1972. He articled with George S. Khattar, Barrister of Sydney and was called to the Bar in March, 1973. He practised with Nova Scotia Legal Aid and with the firm of Khattar and Khattar from 1973 to 1982 and was a sole practitioner from 1982 to March, 1985. He accepted the appointment as Judge of the Family Court of the Province of Nova Scotia on April 1, 1985. Judge MacDonald is married to Mary Patricia (Power) of Sydney and they have two children: Shaun Patrick Vernon and Elizabeth Ann.

Judge MacDonald is very active in community affairs. He was a Member of the Board of Directors of the Family Service of Eastern Nova Scotia. He has served on the Council of the Nova Scotia Barristers' Society and has been a member of the Police Commission of the City of Sydney. He has served as Vice-President of the Cape Breton Barristers' Society and is at present an Executive Member of the Nova Scotia Provincial Judges' Association. He presides over Family Court at Sydney.

JUDGE MARGARET JANE STEWART

Margaret Jane Stewart was born in Windsor, Ontario on December 15, 1949. She attended the University of Western Ontario where she received her Bachelor of Arts degree in 1971 and ner Fourth Year Honours degree from the University of Windsor in 1972. In 1973 she graduated with her Master of Library Science from the School of Library and Information Science of the University of Western Ontario and in 1978 she graduated with her Bachelor of Laws degree from Dalhousie University. She articled in Kentville, Nova Scotia with the firm of Taylor, MacLellan and Cochrane and was called to the Bar in February, 1979. She continued the practise of law with that firm.

Judge Stewart is active in community affairs. She is a Member of the Kings County Historical Society and a past Member of the Advisory Council on the Status of Women. She is a Board Member of Public Legal Education of Nova Scotia and of the Nova Scotia Association for Divorce and Mediation. She is a Member of the Associations of Family Conciliation Courts and of the Canadian and Nova Scotia Provincial Judges' Association. Judge Stewart's hobbies are antique browsing, auctioning and furniture refinishing.

Judge Stewart was appointed to the Family Court of Nova Scotia on November 4, 1985 and holds Court in Kentville and in Western Nova Scotia.

JUDGE DAVID ALFRED MILNER

David Alfred Milner was born in Amherst, Nova Scotia on April 13, 1946. He received his Bachelor of Commerce degree from Saint Francis Xavier University in 1966 and his Bachelor of Laws degree from Dalhousie University in 1969. Judge Milner attended the London School of Economics and Political Science at the University of London where he received his Master of Laws degree in 1972. He articled with Alfred C. Milner, Q.C. of Amherst and was called to the Bar of Nova Scotia on November 4, 1969. He practised law in Amherst in the firm of Milner and Milner and successor firms until his appointment to the Family Court of Nova Scotia on November 4, 1985.

Judge Milner is married to Sheila Jane (Sanford) of Amherst and they have four children: Patrick Leo, Daniel Alfred, Peter Sanford and Michael David. He holds Court in Amherst and in Truro.

Judge Milner was a part-time Lecturer in Commercial Law at Mount Allison University, a former Adjudicator of the Small Claims Court of Nova Scotia and a Member of Nova Scotia's Canada Games Team for track and field.

Judge Darryl Woodrow Wilson

Darryl Woodrow Wilson was born in Glace Bay on June 20, 1948. He attended Acadia University and graduated with his Bachelor of Commerce degree in 1969. He graduated from Dalhousie University with his Bachelor of Laws degree in 1975. He articled with the firm of Patterson, Smith, Matthews and Grant in Truro, Nova Scotia and was called to the Bar in June 1976. He practised law in Glace Bay and in Sydney. Judge Wilson is married to Joy MacKay (Benjamin) of Brookfield, Colchester County and they have two children: Lara Ashley and Erin Elizabeth. Judge Wilson was appointed to the Bench of Nova Scotia on November 7, 1985 and holds Court in Sydney and Inverness County.

Judge Wilson is a Member of the Institute of Chartered Accountants of Nova Scotia (1971). He was Assistant Crown Prosecutor for Cape Breton County (1980-82) and one of three original Members appointed to the Nova Scotia Municipal Board which was established in 1982.

JUDGE CORRINE ETTA SPARKS

Corrine Etta Sparks was born in Dartmouth, Nova Scotia, on August 13, 1953. She received her Bachelor of Arts degree from Mount Saint Vincent University in 1974 and her Bachelor of Laws degree from Dalhousie University in 1979. She articled in Halifax with the legal department of the City of Halifax and was called to the Bar on February 19, 1980. After her admittance to the Bar, she was employed in the legal and corporate department of an oil and gas company in Calgary, Alberta. Upon her return to her native province, she practised law until her appointment to the Family Court of Nova Scotia on March 25, 1987.

Judge Sparks continues to be active in community affairs. In the past she has been President of the Dartmouth Branch of the Canadian Mental Health Association and has been involved with the Nova Scotia Home for Colored Children, the Black Cultural Centre and many other community and cultural groups.

Currently, Judge Sparks holds Court in Truro and Shubenacadie.

JUDGE ROBERT JAMES WILLIAMS

Robert James Williams was born in Edmonton, Alberta on May 6, 1951. He received his Bachelor of Science degree from the University of Alberta in 1972, his Master of Social Work from Dalhousie University in 1974 and his Bachelor of Laws degree from Dalhousie University in 1977. He articled with Dalhousie Legal Aid and with the firm of Walker, Dunlop in Halifax. In 1977 he was admitted to the Bar of Nova Scotia and practised law in Halifax with the firm of Walker, Dunlop and with Blois, Nickerson, Palmeter and Bryson. He was admitted to the Alberta Bar in 1986. He was appointed to the Family Court of Nova Scotia on March 25, 1987 and sits in Dartmouth, Nova Scotia. Judge Williams is married to Judith Suzanne (Blakeney) of Dartmouth and they have two children: Robert Blakeney (Blake) and Bruce Blakeney.

Judge Williams is a Lecturer at Dalhousie Law School in Family Law and is a Lecturer at the Maritime School of Social Work. In his practise he was involved exclusively in the area of Family Law.

JUDGE ROBERT CECIL HEBB

Robert Cecil Hebb was born in Halifax, Nova Scotia on April 28, 1933, and graduated from Dalhousie Law School in 1960. He also attended Osgoode Hall and was admitted to the Ontario Bar in 1962. He became a member of the Nova Scotia Bar in 1966 and carried on the general practise of law in the Town of Lunenburg with the late Judge Archibald Burke. Judge Hebb became part-time Crown Prosecutor for a number of years and was appointed Queen's Counsel in 1979. He was President of the Lunenburg County Bar Association and a member of the Council of the Barristers' Society of Nova Scotia. In 1981 Judge Hebb became Adjudicator of Small Claims Court and in 1984 a Crown Prosecutor for the Young Offenders Court. He was the first Family Court Judge appointed to the south shore district. He was elevated to the Bench on March 30, 1987.

Judge Hebb has served in executive capacities with the Nova Scotia Fisheries Exhibition and Fishermen's Reunion, Lions Club, Board of Trade, Lunenburg Yacht Club and St. John Anglican Church. He is married to the former Leila Ann Rayworth of Rothesay, New Brunswick. They have two children: Susan Elizabeth and Stuart MacIntosh who currently reside in Toronto, Ontario.

JUDGE JAMES CAMERON WILSON

James Cameron Wilson was born in New Glasgow on June 23, 1948. He attended Mount Allison University where he received his Bachelor of Arts degree in 1969 and graduated from Dalhousie University with his Bachelor of Laws degree in 1972. He articled with Mr. Ted Margeson, Barrister in New Glasgow and later entered into practise with Mr. Margeson in the firm of Margeson and Wilson where he practised until his appointment to the Family Court on July 25, 1988.

Judge Wilson is married to Nancy Jean (MacKinnon) of Charlottetown, Prince Edward Island and they have four children: Jennifer Louise, Jill Melanie, Kathryn Amy and Ellen Elizabeth. Judge Wilson is active in community affairs and is Past President of the Y.M.C.A., was Vice President of the Pictou County Mariner's Swim Club, a Member of the Gyro Club and Chairman of the Trinity United Church Congregation. His hobbies are downhill skiing, squash and photography.

Judge Wilson sits in New Glasgow, Nova Scotia.

JUDGE ROBERT CLIFFORD LEVY, JR.

Robert Clifford Levy Jr. was born at Chester, Lunenburg County, Nova Scotia on October 23, 1946. He received his Bachelor of Arts degree from Acadia University in 1968 and graduated with his Bachelor of Laws degree from Dalhousie University in 1971. Thereafter he pursued post-graduate studies in law at Southern Methodist University in Dallas, Texas, U.S.A. He articled with the law firm of McInnes, Cooper and Robertson in Halifax and with Gary C. Bardon, Barrister of Bridgewater and was admitted to the Bar in November, 1972. Judge Levy was employed with Nova Scotia Legal Aid from 1973 to 1983. He received his Queen's Counsel in January, 1988 and from 1984 to 1988 was a Member of the Legislative Assembly.

Judge Levy is married to Barbara Kay (Moore) of Era, Texas, U.S.A. They have three children: Bryan Anthony, Benjamin Christopher Tran, and Daniel Aaron.

Judge Levy was appointed to the Bench of the Family Court on August 8, 1988 and holds Court in Halifax. He is a student of nature and he enjoys reading, walking and golf.

Appendix

Provincial Court Judges
Chronological List

	Name	Date Appointed	Residence	Attorney General
1	Bernard Wallace Russell	November 3, 1938	Halifax	Josiah H. MacQuarrie
2	Horace Blair Dickey	December 8, 1938	Kentville	
3	Robert Ebenezer Inglis	November 15, 1939	Halifax	
4	John Logan Crowe	September 16, 1940	Truro	
5	Richard Jeffrey Flinn	September 16, 1940	Halifax	
6	William Daniel Outhit	September 16, 1940	Halifax	
7	Royal Verne Read	April 17, 1942	Liverpoo/Sydney	
8	John Smith MacIvor	May 1, 1942	Sydney	
		March 29, 1957		R.A. Donahoe
9	Clinton Roger Rand	January 3, 1946	Yarmouth	Josiah H. MacQuarrie
10	Parker Thomas Hickey	July 14, 1950	Halifax	Malcolm Patterson
11	John Donald Macintyre	January 25, 1951	Sydney	
12	William Ackley Richardson	November 6, 1951	Stellarton	
13	John Ferguson MacDonald	September 1, 1953	Sydney	
14	Joseph Francis MacManus	September 13, 1953	Halifax	
15	Duncan John Chisholm	October 1, 1953	Antigonish	
16	Martin D. Haley	March 21, 1956	Halifax	
17	Ronald Joseph Macdonald	June 1, 1959	North Sydney	R.A. Donahoe
18	Nathan Green	September 14, 1959	Halifax	
19	William Alexander Douglas Gunn	October 12, 1960	Sydney/Halifax	
20	Charles Thomas LeBrun	March 1, 1961	Bridgetown	
21	Eric David Murray	March 14, 1962	Halifax	
22	Hiram Joseph Carver	August 1, 1963	New Germany	
23	Thomas Augustine Giles	March 1, 1967	Amherst	
24	Roy Edward Kimball	May 4, 1967	Windsor	
25	Herbert Forbes Grant	December 1, 1968	New Glasgow	
26	Howard Russell MacEwan	January 18, 1971	New Glasgow	Leonard Pace
27	John Charles O'Connell	March 24, 1971	Sydney	
28	Charles Witter Archibald	May 13, 1971	Truro	
29	Sandra Ellen Oxner	May 28, 1971	Halifax	
30	Michael Leo McIntyre	December 21, 1971	Glace Bay	
31	George Roland LeVatte	March 28, 1972	Sydney	
32	John Richard Nichols	November 14, 1972	Digby	
33	Phillip Raymond Woolaver	November 15, 1972	Digby	
34	George Hughes Randall	July 1, 1974	Halifax	Alan Sullivan
35	Kenneth Lee Crowell	September 2, 1975	Middleton	
36	John Alexander MacLellan	November 8, 1976	Kentville	Leonard Pace
37	Reginald Byron Kimball	March 15, 1977	Dartmouth	

	Name	Date Appointed	Residence	Attorney General
38	David Edgar Cole	March 15, 1977	Amherst	
39	Robert Jardine McCleave	December 19, 1977	Halifax	
40	Stanley David Campbell	October 1, 1978	Sydney	George Mitchell
41	Joseph Phillip Kennedy	September 18, 1978	Bridgewater	
42	Harvey Alfred Veniot	January 1, 1979	Pictou	Harry How
43	Elmer Joseph MacDonald	February 15, 1980	Halifax	
44	Donald Lewis Matheson	April 15, 1980	Sydney	
45	William John Carruthers Atton	June 30, 1980	Halifax	
46	Patrick Howard Curran	August 1, 1981	Halifax	
47	Ronald Angus MacDonald	September 1, 1981	Antigonish	
48	Harry Walter How	November 14, 1983	Wolfville	Ronald Giffen
49	Robert MacDonald	June 14, 1984	Westville	
50	James Donald Reardon	April 1, 1985	Yarmouth	
51	Ross Baxter Archibald	June 1, 1985	Amherst	
52	Robert Allan Stroud	December 16, 1986	Stellarton	
53	Jean-Louis Marie Gonzaque Batiot	September 15, 1987	Bridgewater	Terrance Donahoe
54	Frances Kent Potts	January 7, 1988	Dartmouth	
55	John Grant MacDougall	June 1, 1988	Otterbrook	Terrance Donahoe

Family Court of Nova Scotia
Chronological List

	Name	Date Appointed	Residence	Minister
1	Julian Elliot Hudson	June, 1941	Halifax	Frank Davis
2	Welsford Gordon Phillips	July, 1953	New Glasgow	
3	William Marshall Black	August 15, 1961	Kentville	W.S. Kennedy Jones
4	Louis Bernard Edwards	January 1, 1962	Sydney	
5	Raymond Alvin Bartlett	November 20, 1967	Truro	James M. Harding
6	Vincent John Gaulbert LeBlanc	October 1, 1971	Sluice Point	Alan Sullivan
7	Robert France Ferguson	November 1, 1971	Sydney	
8	William Matheson Lewis	August, 1972	Kentville	
9	Murray Albert North	May 1, 1974	Halifax	Harold Huskilson
10	Thomas Daniel Tramble	July 1, 1974	Antigonish	
11	Louis Edward Moir	July 1, 1975	Halifax	
12	Robert Cragg	1974-75	Chester	
13	Robert James Butler	August 15, 1976	Halifax	William MacEachern
14	Paul Shaun Padraig Niedermayer	June 4, 1979	Windsor	John A. MacIsaac
15	Timothy Thomas Daley	September 2, 1980	Dartmouth	Laird Stirling
16	John Dennis Comeau	November 6, 1981	Yarmouth	
17	Robert James Loftus White	January 7, 1983	Stellarton	Edmound Morris
18	Elizabeth Ann Roscoe	February 1, 1984	Halifax	
19	Frances William Bernard Kelly	May 1, 1984	New Glasgow	
20	John Vernon MacDonald	April 1, 1985	Sydney	
21	Margaret Jane Stewart	November 4, 1985	Kentville	
22	David Alfred Milner	November 4, 1985	Amherst	
23	Darryl Woodrow Wilson	November 7, 1985	Sydney	
24	Corrine Etta Sparks	March 25, 1987	Dartmouth	
25	Robert James Williams	March 25, 1987	Dartmouth	
26	Robert Cecil Hebb	March 30, 1987	Lunenburg	
27	James Cameron Wilson	July 25, 1988	New Glasgow	Thomas J. McInnis
28	Robert Clifford Levy, Jr.	August 8, 1988	Hortonville	